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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1213—Legis. 5-51-45, dated Bangalore, 22nd September 1951.

Ordered that the Representation of the People (Conduct of lections and Election Petitions) Rules, 1951 (S.R.O. No. 1371, dated ne 6th September 1951, of the Ministry of Law) published in the *azette of India*, Part II, Section 3, dated the 7th September 1951, re-published in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF LAW.

NOTIFICATION. 2

New Delhi, the 6th September 1951.

S.R.O. 1371.—In exercise of the powers conferred by Section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, is pleased to make the following Rules, namely :—

THE REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTIONS AND ELECTION PETITIONS) RULES, 1951.

PART I.

Preliminary.

1. Short title and commencement.—(1) These rules may be called the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.

(2) They shall come into force at once.

2. Interpretation.—(1) In these rules, unless the context otherwise requires,—

(*a*) "form" means a form in Schedule I and includes any translation thereof in any language specified in the Eighth Schedule to the Constitution ;

(*b*) "Schedule" means a Schedule to these rules ;

(*c*) "section" means a section of the Act ;

(*d*) "serial number of an elector in an electoral roll" includes such particulars regarding the name or description of the electoral area with reference to which the said electoral roll has been prepared as will identify the entry relating to such elector in that electoral roll ;

(*e*) "the Act" means the Representation of the People Act, 1951 (XLIII of 1951) ;

(*f*) "validly nominated candidate" means a candidate who has been duly nominated and has not withdrawn his candidature in the manner and within the time specified in sub-section (1) of Section 37 or in that sub-section read with sub-section (4) of Section 39, as the case may be.

(2) For the purposes of the Act or these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Election Commission and such officer on being satisfied as to his identity has attested the mark as being the mark of such person.

(3) References in these rules to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorised to perform under sub-section (2) of Section 22.

(4) References in these rules to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-section (2) or sub-section (3), as the case may be, of Section 26.

(5) Any requirement under these rules that a notification, order, declaration, notice or list issued or made by any authority shall be published in the Official

Gazette shall, unless otherwise expressly provided in these rules, be construed as a requirement that the notification, order, declaration, notice or list shall be published in the *Gazette of India* if it relates to an election to, or membership of, either House of Parliament or to a primary election, and in the Official Gazette of the State if it relates to an election to, or membership of, the House or either House of the Legislature of a State.

(6) The General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

PART II.

Conduct of Elections.

CHAPTER I.

GENERAL PROVISIONS.

3. Public notice of intended election.—The public notice of the intended election referred to in section 31st or in sub-section (3) of section 39 shall be given in Form 1 and it shall, subject to any general or special directions issued in that behalf by the Election Commission, be published in such manner, in such language or languages and in such places as the Returning Officer thinks fit.

4. Form of nomination paper.—Every nomination paper delivered under sub-section (1) of section 33 or under that sub-section read with sub-section (4) of section 39 shall be completed in the form specified in Schedule II.

5. Declaration as to symbol to accompany nomination paper in certain cases.—(1) The Election Commission shall, as soon as may be after the commencement of these rules, by notification in the Official Gazette, publish a list of symbols and may in like manner add to or vary such list.

(2) In constituencies other than Council constituencies, every nomination paper delivered under sub-section (1) of section 33 shall be also accompanied by a declaration in writing specifying the particular symbol which the candidate has chosen for his first preference out of the list of symbols for the time being in force under sub-rule (1) and also specifying two other symbols out of that list which he has chosen for his second and third preferences, respectively :

Provided that the choice to be made by a candidate under this sub-rule shall be subject to such restrictions as the Election Commission may think fit to impose in that behalf.

6. Verification of certain declarations in the case of constituencies having reserved seats.—In a constituency where any seat is reserved for the Scheduled Castes or the Scheduled Tribes or for an autonomous district of Assam other than the constituency comprising the cantonment and municipality of Shillong, the declaration referred to in the first or the second proviso, as the case may be, to sub-section (3) of section 33 shall be verified by the candidate on oath or solemn affirmation before a magistrate :

Provided that no stamp duty shall be payable for such verification.

7. Issue of certain certificates by the Election Commission.—A certificate issued by the Election Commission under sub-section (3) of section 9 or under the third proviso to sub-section (3) of section 33 or under the said proviso read with sub-section (4) of section 39 shall be signed by the Secretary to the Election Commission and shall bear the official seal of the Election Commission.

8. Form of notice of nomination.—The notice of nomination to be affixed under section 35 or under that section read with sub-section (4) of section 39 shall be in Form 2.

9. Notice of withdrawal of candidature.—(1) A notice of withdrawal of candidature under sub-section (1) of section 37 or under that sub-section read with sub-section (4) of section 39 shall contain the particulars set out in Form 3. On receipt of such notice, the Returning Officer shall note thereon the date on which and the hour at which it was delivered.

(2) The notice of withdrawal to be affixed under sub-section (3) of section 37 or under that sub-section read with sub-section (4) of section 39 shall be in Form 4.

10. Preparation and publication of the list of valid nominations.—(1) If in a constituency other than a Council constituency the number of validly nominated candidates exceeds the number of seats to be filled, the Returning Officer shall, before preparing a list of valid nominations under section 38, consider the claims as respects symbols expressed by the candidates in the declarations referred to in sub-rule (2) of rule 5 delivered by them along with their nomination papers and shall, subject to any general or special directions issued in this behalf by the Election Commission, assign a different symbol to each candidate in conformity so far as practicable with his choice. If more candidates than one indicate their preferences for the same symbol, the Returning Officer shall decide by lot to which of those candidates the symbol will be assigned. The decision of the Returning Officer in assigning any symbol to a candidate under this sub-rule shall be final.

(2) The list of valid nominations referred to in section 38 or in that section read with sub-section (4) of section 39 shall be prepared in such language or languages as the Election Commission may direct and shall contain the names in alphabetical order and addresses of the validly nominated candidates as stated in the nomination papers. The alphabetical order shall be determined with reference to the surnames of candidates having surnames and the names of other candidates, and if the list is prepared in more than one language the names of candidates therein shall be arranged in alphabetical order according to the script of such one of those languages as the Election Commission may direct. In the case of an election in a constituency to which the provisions of sub-rule (1) apply, the list shall indicate the symbol assigned to each candidate and in the case of an election in a constituency where the seats to be filled include one or more seats reserved for the Scheduled Castes or the Scheduled Tribes, the list shall also indicate the names of candidates belonging to the Scheduled Castes or the Scheduled Tribes by means of suitable distinguishing marks.

(3) Every such list of valid nominations shall be prepared in Form 5 and the Returning Officer shall immediately after its preparation cause a copy of the list so prepared to be affixed in some conspicuous place in his office.

(4) In every case where a symbol has been assigned to a candidate under this rule (1), such candidate or his election agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Returning Officer.

11. Publication of the list of validly nominated candidates in the case of an election at which a poll is to be taken.—If at an election the number of validly nominated candidates exceeds the number of seats to be filled, the Returning Officer shall publish in the Official Gazette and in such other manner as the Election Commission may direct the list of validly nominated candidates at such election in Form 5 together with all the particulars regarding such candidates mentioned in that form. In the case of an election at which the method of voting by ballot boxes shall be followed, the list to be published under this rule shall specify the date or dates and the hours of polling at such election.

12. Appointment of polling agents.—(1) At an election at which a poll is to be taken and the method of voting by ballot boxes is to be followed, each validly nominated candidate, or his election agent, may at least three days before

commencement of the poll appoint under section 46 one agent and two relief agents to act as polling agents of such candidate at each polling station, or where a polling station has more than one polling booth, at each such polling booth, or at the place fixed under sub-section (1) of section 29 for the poll, as the case may be; and such appointment shall be made by a letter in writing in duplicate in Form 6 signed by the candidate or his election agent.

(2) As soon as may be after the appointment of each polling agent of a candidate, and in any case at least three days before the commencement of the poll, the candidate or his election agent shall give notice of the appointment to the Returning Officer by forwarding to such officer the letter of appointment referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the polling agent who shall on the date fixed for the poll present the copy to, and sign the declaration contained therein before, the presiding officer of the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where such polling agent is appointed for duty, and the presiding officer or the Returning Officer, as the case may be, shall thereafter retain it in his custody, and no polling agent shall be allowed to perform any duty at the polling station or at the place fixed for the poll unless he has complied with the provisions of this sub-rule.

13. Appointment of counting agent.—(1) Each such candidate as is mentioned in sub rule (1) of rule 12 or his election agent may before the commencement of the counting of votes appoint under section 47 a counting agent of such candidate by a letter in writing in duplicate in Form [illegible] signed by the candidate or his election agent.

(2) As soon as may be after the appointment of the [illegible]g agent of a candidate, and in any case before the commencement of t[illegible]g of votes, the candidate or his election agent shall give notice of [illegible]tment of such counting agent to the Returning Officer by forwarding [illegible]r the letter of appointment referred to in sub-rule (1).

(3) The candidate or his election agent shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present the copy to, and sign the declaration contained therein before, the Returning Officer and the Returning Officer shall thereafter retain it in his custody, and no counting agent shall be allowed to perform any duty at the counting of votes unless he has complied with the provisions of this sub-rule.

14. Revocation of the appointment or death of a polling agent.—(1) The revocation of the appointment of a polling agent under sub-section (1) of section 8 shall—

(*a*) in the case where the appointment is revoked not less than seven days before the commencement of the poll, be lodged with the Returning Officer, and

(*b*) in any other case, be lodged with the presiding officer of the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where such polling agent was appointed for duty.

(2) If the polling agent of a candidate dies before the close of the poll, the candidate or his election agent shall forthwith report in writing the fact of such death—

(*a*) in the case where the death takes place not less than seven days before the commencement of the poll, to the Returning Officer, and

(*b*) in any other case, to the presiding officer to the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where such polling agent was appointed for duty.

(3) the Returning Officer for a constituency shall, on receipt of any revocation of the appointment, or the report of the death, of a polling agent under sub-rule (1) or sub-rule (2), communicate the fact forthwith to the presiding officer of the polling station where such polling agent was appointed for duty.

(4) In the event of such revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may at any time before the poll is closed make a fresh appointment under sub-section (1) of section 48 of another polling agent by a letter in writing in Form 6 and shall forthwith give notice of such appointment—

(*a*) in the case where such appoinment is made not less than seven days before the commencement of the poll, to the Returning Officer, and

(*b*) in any other case, to the presiding officer of the polling station or the Returning Officer presiding over the place fixed under sub-section (1) of section 29 for the poll, where the new polling agent is appointed for duty,

by forwarding the letter of appointment of the new polling agent to such Returning Officer or presiding officer, as the case may be, and the provisions of sub-rule (3) of rule 12 shall apply in relation to a polling agent appointed under this sub-rule as they apply in relation to a polling agent appointed under sub-rule (1) of that rule.

15. Revocation of the appointment or death of the counting agent.—(1) If the counting agent of a candidate dies before the completion of the counting of votes, the candidate or his election agent shall forthwith report in writing the fact of such death to the Returning Officer.

(2) In the event of a revocation of the appointment or of the death of the counting agent of a candidate, the candidate or his election agent may make a fresh appointment under sub-section (2) of section 48 of another counting agent by a letter in writing in Form 6 and shall forthwith give notice of such appointment to the Returning Officer by forwarding the letter of appointment of the new counting agent to such Officer and the provisions of sub-rule (3) of rule 13 shall apply in relation to a counting agent appointed under this sub-rule as they apply in relation to a counting agent appointed under sub-rule (1) of that rule.

16. Publication of the hours fixed for polling.—The hours fixed for polling under section 56 shall be published by notification in the Official Gazette and in such other manner as the Election Commission may direct.

CHAPTER II.

VOTING AT ELECTIONS IN CONSTITUENCIES OTHER THAN COUNCIL CONSTITUENCIES.

17. Admission to polling stations.—(1) The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station or a polling booth and shall exclude therefrom all other persons except—

(*a*) the polling officers ;

(*b*) each candidate, his election agent, and one polling agent of each candidate ;

(*c*) the police officers and other public servants on duty ;

(*d*) the companions of blind or infirm electors who cannot move without help, and

(*e*) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors or otherwise assisting him in taking the poll.

(2) The presiding officer shall close the polling station at the hour fixed in that behalf under section 56 and shall not admit thereto any elector after that hour :

Provided that all electors present within the polling station before it is so closed shall be entitled to have their votes recorded.

(3) If any question arises as to whether any elector shall, for the purpose of the proviso to sub-rule (2), be deemed to be present within the polling station before it is closed, the question shall be referred for the decision of the presiding officer of such polling station and his decision shall be final.

18. Arrangements for secrecy of voting and special facilities for women electors at polling stations.—(1) Each polling station and, where a polling station has more than one polling booth, each such polling booth shall be furnished with a compartment (referred to in these rules as a "polling compartment") in which electors can, one after another, cast their votes screened from observation, and no elector shall be allowed to enter such polling compartment when another elector is inside the same for the purpose of recording his vote.

(2) Each polling station shall contain one or such larger number of polling booths as the Returning Officer may fix and each such polling booth shall be set apart for the recording of votes of electors for a separate polling area or of votes of electors specifically allotted to such booth :

Provided that the Returning Officer may direct—

(*a*) that a polling booth with separate entrance and exit shall be provided for the taking of votes of women electors of any specified polling area and a different polling booth in the same polling station shall be provided for the men electors of that area ; or

(*b*) that men and women electors shall, for the purpose of recording their votes, be admitted into the polling station or into any polling booth in such station alternately in separate batches.

(3) The Returning Officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors and, in particular, to help in searching any woman elector in case it becomes so necessary.

(4) For the purpose of identification of a woman elector, her husband or any other near relative may be permitted by the presiding officer at his discretion to accompany her inside the polling station, but such person shall not be permitted to accompany her inside the polling compartment.

19. Provision of ballot boxes with symbols of candidates and of other articles at the polling station.—(1) The Returning Officer shall provide at each polling station or, where a polling station has more than one polling booth, at each such polling booth, one ballot box for each one of the candidates and all such ballot boxes shall be so placed in the polling compartment that when an elector inserts a ballot paper in any box no other person can see how he has voted.

(2) The symbol assigned to each candidate under sub-rule (1) of rule 10 shall be printed on labels which shall be pasted both inside and outside a ballot box and such ballot box shall then be deemed to have been allotted to that candidate. Each ballot box or any of its component parts or attachments, shall also be marked with such other distinguishing mark or marks as the Chief Electoral Officer may, in accordance with the general or special instructions issued in that behalf by the Election Commission, direct.

(3) Outside and inside each polling station there shall be displayed prominently—

(*a*) a notice specifying the polling area the electors of which are entitled to vote at the polling station or, where the polling station has more than one polling booth, at each one of such booths, or the description of the electors allotted to any such booth, and

(*b*) another notice giving the name of each candidate in the same langua or languages and in the same order in which the names of su candidates appear in the list of validly nominated candidates at t election published under rule 11 together with the description of t symbol which has been assigned to each such candidate under su rule (1) of rule 10.

(4) The Returning Officer shall also provide at each polling station a sufficie number of ballot papers and copies of the electoral rolls in respect of the poll area or areas the electors of which are entitled to vote at such polling stati as well as such other equipments and accessories as may be required for taking t poll at such polling station.

20. Official mark on Ballot papers.—(1) The Election Commission may dir that before any ballot paper is delivered to an elector at a polling station it sh be marked with such official mark as may be specified by the Election Commiss in this behalf, and the official mark so specified shall be kept secret.

(2) When any s[illegible] as been issued by the Election Commission, t Returning Officer sha[illegible] the polling station concerned instruments stamping the official ma[illegible] lot papers.

21. Ballot boxes to be [illegible] nd sealed before the commencement of poll. (1) Every ballot box shall be of [illegible] h design and colour as have been previous approved of by the Election Co[illegible] ion. It shall be so constructed that bal papers can be introduced therein but cannot be withdrawn therefrom witho the box being unlocked and the seals being broken.

(2) The presiding officer at each polling station shall immediately before t commencement of the poll allow inspection of each ballot box to be used at t poll to the candidates, their election agents and their polling agents who ma be present at such station, and demonstrate to them and to all other person present that it is empty and that labels have been affixed both inside and outsi the box and the distinguishing mark or marks have been made in the box or any of its component parts or attachments in accordance with the provisions sub-rule (2) of rule 19.

(3) Where it is necessary to use a paper seal for securing the ballot box, t presiding officer shall thereafter fix in the space meant therefor in each such b a paper seal provided for the purpose. He shall also affix on such paper seal h own signature or seal and obtain thereon the signatures or seals of such candidat or of such election or polling agents of the candidates as may be present and m desire to affix such signatures or seals. He shall then secure and seal each b in their presence in such manner that the slit in the box for insertion of bal papers therein remains open.

(4) Where it is not necessary to use a paper seal for securing a ballot bo the presiding officer shall, after complying with the provisions of sub-rule (2) secu and seal the box in such manner that the slit in the box for insertion of bal papers therein remains open and shall also allow the candidates or their electi or polling agents who may be present to affix their own seals on the space in t box meant therefor, if they so desire.

(5) The paper seal or the other seals used in a ballot box shall be affixed such manner that it shall not be possible to open the box again without breakin such paper seal or other seals or any thread on which the other seals have be affixed. After all the ballot boxes required to be used at the polling have be secured and sealed, they shall be placed in the polling compartment side by si in the same order in which the names of the candidates to whom such boxes ha been allotted appear in the list of validly nominated candidates at the electi published under rule 11 and in such manner that the front vertical side of ea of the boxes bears a symbol assigned to the candidate to whom such box has be

otted and faces the elector as he enters. The candidates and their election or ling agents shall be entitled to see before the commencement of the poll that e boxes are so placed in the polling compartment. No other receptacle or box ides the ballot boxes allotted to the candidates shall be kept inside the polling partment during polling.

22. **Special procedure for preventing personation of electors.**—(1) Subject to e other provisions of this rule, every elector who applies for a ballot paper or ballot pers for the purpose of voting at a polling station shall, before receiving such per or papers, allow—

(*a*) the inspection of his left fore-finger to the presiding officer or any polling officer ; and

(*b*) an indelible ink mark to be put on his left fore-finger.

(2) If any such elector—

(*a*) refuses to allow such inspection of his left fore-finger, or

(*b*) refuses to allow an indelible ink mark to be put on his left fore-finger, or

(*c*) persists in doing any act with a view to remove such mark after it has been put,

shall not be entitled to be supplied with any ballot paper or to record his vote the election.

(3) Except as provided in sub-rule (4), no person who has already such a mark his left fore-finger at the time he enters the polling station shall be supplied with y ballot paper, and if any such person applies for a ballot paper or ballot papers shall be liable to be arrested and prosecuted for personation.

(4) Where elections in a Parliamentary constituency and in an Assembly stituency or a Council of States constituency are being held simultaneously at a ling station, an elector whose left fore-finger has been marked with indelible ink that polling station preliminary to his receiving the ballot paper or papers for e such election shall not be required to have his left fore-finger marked again with ch ink before receiving the ballot paper or papers for the other election, and the esence of the mark made for the purpose of one of such elections shall not disen- le him from receiving the ballot paper or papers for the other election.

(5) Any reference in this rule or in rule 23 to the left fore-finger of an elector ll, in the case where the elector has his left fore-finger missing, be construed as eference to any other finger of his left hand, and shall, in the case where all the gers of his left hand are missing, be construed as a reference to the fore-finger any other finger of his right hand, and shall, in the case where all his fingers of th the hands are missing, be construed as a reference to such extremity of his t or right arm as he possesses.

23. **Procedure before recording of votes.**—(1) The elector on entering the ling station shall first allow his left fore-finger to be inspected by a polling cer for the purpose of ascertaining if he already has any mark of indelible ink that finger. If there is no such mark, the polling officer in charge of the ctoral roll shall ascertain the elector's name and address and such other parti- ars as appear on the roll and, after having checked these by reference to the l, shall call out the number, name and description of the elector according to entry in the roll.

(2) On the elector's name being called out the elector shall approach the ing officer in charge of the ballot papers who shall then cause the left fore- ger of the elector to be marked with indelible ink and shall thereafter deliver a lot paper or the requisite number of ballot papers to the elector. Before ivering the ballot paper or papers the polling officer shall, where a direction has n issued in this behalf under rule 20, stamp the ballot paper or papers with h official mark as may have been specified under that rule. Such polling officer ll at the time of delivery of the ballot paper or papers place against the serial

number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper or papers and shall also keep a record of the serial number or numbers of the ballot paper or papers supplied to the elector in such manner as the Returning Officer may, subject to any general or special instructions issued in that behalf by the Election Commission, direct.

(3) In deciding the right of a person to obtain a ballot paper under this rule, the presiding officer at any polling station may interpret an entry in the electoral roll so as to overlook merely clerical or printing errors, provided that he is satisfied that such person is identical with the elector to whom such entry relates.

24. Identification of electors.—The presiding officer may employ at the polling station such persons as he thinks fit to assist him or any polling officer in identifying the electors.

25. Manner of recording of votes after the receipt of ballot papers.—(1) On receiving the ballot paper or papers the elector shall forthwith proceed into the polling compartment and shall without undue delay put his ballot paper or papers through the slit provided for the purpose into the ballot box or boxes of the candidate or candidates for whom he desires to vote :

Provided that not more than one ballot paper shall be put by an elector into one ballot box.

(2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has cast his vote. No elector shall remain in a polling compartment longer than is reasonably necessary for casting his vote.

(3) The presiding officer may, whenever there is in his opinion sufficient cause, enter the polling compartment while a poll is proceeding and may take such steps as may be necessary to ensure that the ballot boxes in use remain ready for the reception of ballot papers and are not tampered or interfered with in any way by any elector or any other person. If the presiding officer has reason to suspect that any elector who has entered a polling compartment is tampering or otherwise interfering with any ballot box or if such elector has remained inside the polling compartment for an unduly long period, the presiding officer shall enter such polling compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

26. Recording of votes of infirm electors.—If owing to blindness or other infirmity an elector is unable to read the symbol on a ballot box or is physically incapable of putting the ballot paper into a ballot box, the presiding officer shall enter the polling compartment with such elector, ascertain from the elector the candidate or candidates in whose favour he desires to vote and shall put the ballot paper or papers in the ballot box or boxes of such candidate or candidates in accordance with the wishes of such elector. The presiding officer shall have this done with as much secrecy as is feasible and shall keep a brief record of each such instance without indicating the manner in which the votes have been cast.

27. Elector to be questioned in case of doubt as to his identity.—At any time before a ballot paper is delivered to an elector, the presiding officer or a polling officer may of his own motion, if he has reasons to doubt the identity of the elector or his right to vote at such election, and shall, if so required by a candidate or polling agent, put to the elector the following questions :—

(1) Are you the person enrolled as follows : (Reading the whole entry from the roll) ?

(2) Have you already voted at the present election in this constituency ?

(3) (At a general election in a Parliamentary constituency). Have you already voted at this general election in any other Parliamentary constituency ?

(4) (At a general election in an Assembly constituency). Have you already voted at this general election in any other Assembly constituency ?

(5) (At a general election in a Council of States constituency). Have you already voted at this general election in any other Council of States constituency ?

And the elector shall not be supplied with a ballot paper if he refuses to answer any of these questions and unless he answers the first question in the affirmative, the second question in the negative and, at a general election, the third, the fourth or the fifth question, as the case may be, also in the negative.

28. Ballot paper and its contents.—The ballot paper to be used for the purpose of voting at an election to which this Chapter applies shall contain a serial number and such distingushing marks as the Election Commission may decide.

29. Tendered votes.—(1) If a person representing himself to be a particular elector named in the electoral roll applies for a ballot paper or papers after another person has already voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to receive a ballot paper (referred to in this Chapter and in Chapter III of this Part as a "tendered ballot paper") in the same manner as any other elector.

(2) A tendered ballot paper shall be in Form 7 and shall, instead of being put into the ballot box, be handed over by such person to the presiding officer who shall thereupon take such person inside the polling compartment and shall in the presence of such person endorse it with the name or names of the candidate or candidates for whom such person desires to vote and also with the name of the elector, his serial number in the electoral roll and the name of the electoral area to which the roll relates. The presiding officer shall then place the ballot paper in a separate packet set apart for the purpose. At the end of the poll the packet containing all such tendered ballot papers shall be sealed. Such votes shall not be counted by the Returning Officer.

(3) The name of the constituency, the name of the elector, his serial number in the electoral roll and the name of the polling station to which the roll relates shall be entered in a list in Form 8 which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name or affix his thumb impression against the entry relating to him in that list.

30. Challenged Votes.—(1) If any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a ballot paper and claiming to be a particular voter has committed the offence of personation, the presiding officer shall require such person to enter in the list of Challenged Votes (which shall be in Form 9) his name and address or, if he is unable to write, to affix his thumb impression thereto, and may further require such person to produce evidence of identification :

Provided that no action shall be taken by the presiding officer under this sub-rule unless a sum of ten rupees has been deposited in cash with the presiding officer by the candidate or such agent for each challenge he makes.

(2) If the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person does so comply and on being questioned in the manner provided in rule 27 gives unqualified answer to the first question in the affirmative and to the other questions in the negative, he shall be allowed to vote after he has been warned of the penalty for personation.

(3) If the presiding officer after such inquiry on the spot as he thinks is necessary is of opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of Challenged Votes.

31. Return of ballot papers by an elector.—(1) If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer, and the ballot paper so returned shall then be marked as "cancelled—returned" and kept in a separate envelope set apart for the purpose and a record shall be kept by the presiding officer of all such ballot papers.

(2) If any ballot paper which has been issued to any elector for the purpose of recording his vote has not been put into the ballot box but has been left by the elector at the polling station it shall be dealt with in accordance with the provisions of sub-rule (1) as if it had been returned to the presiding officer.

32. Delivery of ballot boxes to the Returning Officer after the close of the poll.—The presiding officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of any candidates or their election or polling agents who may be present, close the slit for insertion of ballot papers of each ballot box or, where the box does not contain any mechanical device for closing the slit, seal up the slit, and seal and secure all the ballot boxes used at the polling station. He shall also make up into separate packets :—

(1) the unused ballot papers ;
(2) the tendered ballot papers ;
(3) the returned ballot papers ;
(4) the marked copy of the electoral roll ;
(5) the tendered votes list ;
(6) the list of challenged votes ; and
(7) any other paper directed by the Returning Officer to be kept in a sealed packet,

and shall seal each such packet with his own seal and the seals of such candidates or election or polling agents as may desire to affix their seals thereon. He shall then as soon as may be deliver the ballot boxes and all such packets and all other papers used at the poll or cause them to be delivered to the Returning Officer.

33. Account of ballot papers to be prepared by the presiding officer after the close of the poll.—The packets referred to in rule 32 shall be accompanied by an account of ballot papers in Form 10 made by the presiding officer showing the total number of ballot papers entrusted to him for the polling station or for each polling booth thereof and the number of ballot papers returned by him to the Returning Officer as unused, tendered, and returned ballot papers as also the number of ballot papers which should be found in the ballot boxes.

34. Transport of ballot boxes and packets and their custody.—The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in rule 32 and for their safe custody until the commencement of the counting of votes.

35. Special procedure for voting by certain classes of persons.—At an election in a constituency where a poll is taken, any such person as is referred to in clause (a) of section 60 may, if such person has been registered in the electoral roll for that constituency on the basis of the statement submitted by such person or by the husband of such person under rule 5 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, give his vote at such election by postal ballot, and such a person shall not be entitled to give his vote in any other manner.

36. Voting by persons subjected to preventive detention.—(1) Subject to the other provisions of this rule, an elector for a constituency may, if he is subjected to preventive detention under any law for the time being in force, give his vote by postal ballot at any election in such constituency where a poll is taken and such an elector shall not, so long as he is subjected to such detention, be entitled to give his vote in any other manner.

(2) As soon as possible after a notification calling upon a constituency to elect a member or members has been issued under the Act, the Central Government or the State Government or the Chief Commissioner of a Part C State concerned shall ascertain if any elector for that constituency is subjected to preventive detention under any law for the time being in force and shall, within fifteen days from the date of publication of such notification, forward to the Returning Officer the names of any such electors in that constituency who are under such detention together with their addresses and serial numbers in the electoral roll and the particulars about their places of detention.

(3) Any elector for a constituency who is subjected to preventive detention under any law for the time being in force may, within fifteen days from the date of publication of a notification under the Act calling upon that constituency to elect a member or members, apply to the Returning Officer of the constituency for permission to give his vote by postal ballot at such election. Every such application shall specify the name of the elector, his address, his serial number in the electoral roll and the particulars regarding his place of detention.

(4) If the Returning Officer is satisfied that the person whose name has been forwarded under sub-rule (2) or who has made an application under sub-rule (3) is under preventive detention and is an elector for the constituency to which the election relates and is entitled to vote at such election, he shall permit such person to give his vote at the election by postal ballot.

(5) While granting any such permission the Returning Officer shall at the same time cause suitable notes to be recorded in each copy of the electoral roll in which such person is registered and which is intended to be used at the polling station where such person would, if he had not been under detention, have normally voted so as to indicate that such person has been permitted to give his vote at the election by postal ballot.

37. Voting by persons employed on duty at polling stations.—(1) A presiding officer, polling officer, polling agent or public servant who is an elector for any constituency and is, by reason of his being on duty at a polling station, unable to be present and to vote at the polling station where he is entitled to vote, may apply to the Returning Officer of the constituency for which he is an elector at least seven days before the date or the first of the dates fixed for the poll at that constituency for permission to vote at the election by postal ballot. Every such application shall specify the name of the elector, his address and his serial number in the electoral roll.

(2) If such Returning Officer is satisfied that the claim is just and that the applicant is entitled to vote in the constituency, he shall allow the application and permit the applicant to give his vote at the election by postal ballot and thereupon the applicant may give his vote at such election by postal ballot and shall not be entitled to give his vote thereat in any other manner.

(3) While allowing such an application the Returning Officer shall at the same time cause suitable notes to be recorded in each copy of the electoral roll in which the applicant is registered and which is intended to be used at the polling station where the applicant would otherwise have normally voted so as to indicate that the applicant has been permitted to give his vote at the election by postal ballot.

38. Returning Officer to send ballot papers for postal voting.—(1) The Returning Officer shall, in the case of every elector who is authorised under rule 35

or has been permitted under sub-rule (4) of rule 36 to give his vote at the election by postal ballot, as soon as may be after the publication under rule 11 of the list of validly nominated candidates at the election, and in the case of every elector who has been permitted under sub-rule (2) of rule 37 to give his vote at the election by postal ballot, as soon as may be after such permission has been granted, send by registered post to each such elector a ballot paper in Form 11 (referred to in this Chapter and in Chapter III of this Part as a "postal ballot paper") and shall enter on the counterfoil of each such ballot paper the name of the elector to whom the ballot paper is sent and his serial number on the electoral roll. The particulars in the ballot paper shall be printed in the language or languages in which the electoral roll for the constituency to which the election relates has been printed, and the names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

(2) Along with the ballot paper the Returning Officer shall also send—

(*a*) a cover addressed to himself in Form 12,

(*b*) an envelope with the number of the ballot paper entered on its face, and

(*c*) a letter in Form 13.

The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in Form 12.

(3) The ballot paper together with the cover, envelope and letter shall be sent—

(*a*) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, to the address of the elector as shown in the electoral roll or to such elector under the care of such officer of the said Forces as the Election Commission may designate;

(*b*) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (*a*) of section 60, or the wife of any such person, to such elector at the place where the elector or her husband, as the case may be, is holding such office;

(*c*) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of any such person, to such elector under the care of the diplomatic or consular representative of India in the country in which such elector is resident;

(*d*) in the case where the elector is a person subjected to preventive detention to such elector at the place of his detention; and

(*e*) in the case where the elector is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot, to such elector at the address given in the application made by him under sub-rule (1) of that rule.

(4) The Officer of the Armed Forces or the diplomatic or consular representative of India under whose care a ballot paper is sent to an elector under clause (*a*) or clause (*c*) of sub-rule (3) shall ensure that the ballot paper is delivered to such elector without delay.

(5) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counterfoils of all such ballot papers and record on such packet the description of its contents and the name of the constituency and the date of the election to which it refers.

(6) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

39. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 38, if he desires to vote at the election, shall record his vote thereon and sign the declaration on its back in

accordance with the instructions on the ballot paper and in the letter sent with the ballot paper.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 P.M. on the date fixed in this behalf by the Returning Officer. Any cover which is not received by the Returning Officer before 5 P.M. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

40. Attestation of elector's signature on the ballot paper.—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper—

(*a*) in the case referred to in clause (*a*) of sub-rule (3) of rule 38, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed ;

(*b*) in the case referred to in clause (*b*) of that sub-rule, by an officer not below the rank of a Deputy Secretary to Government ;

(*c*) in the case referred to in clause (*c*) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident ;

(*d*) in the case referred to in clause (*d*) of that sub-rule, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified ; and

(*e*) in the case referred to in clause (*e*) of that sub-rule, by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified.

41. Attesting officer to assist infirm or illiterate electors.—(1) If an elector to whom a ballot paper has been sent under rule 38 is illiterate or is unable through physical incapacity to record his vote and sign the declaration on the back of the ballot paper in accordance with the provisions of rule 39, it shall be competent for him to make his declaration and to record his vote by the hand of any officer empowered to attest his signature and declaration under rule 40.

(2) Any such elector as aforesaid may deliver the ballot paper, together with the envelope and the cover received by him from the Returning Officer to an officer referred to in sub-rule (1) and such officer shall on being so requested by the elector certify on the back of the ballot paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to mark the ballot paper for him and that he has put the mark or marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector.

(3) Such officer shall thereupon place the marked ballot paper in the envelope and close the same and enclose it in the cover which he shall seal and hand over to the elector. The elector shall then send the sealed cover forthwith to the Returning Officer in accordance with the instructions contained in the letter sent to the elector along with the ballot paper so as to reach the Returning Officer before 5 P.M. on the date referred to in sub-rule (2) of rule 39. Any cover which is not received by the Returning Officer before 5 P.M. on such date shall be rejected and kept along with the covers rejected under the said sub-rule.

42. Issue of undelivered and fresh ballot papers.—(1) When a ballot paper and other connected papers sent by post under rule 38 are for any reason returned undelivered, the Returning Officer may re-issue them by registered post or, in the

case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (*a*) of section 60 or is the wife of any such person or is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot, deliver them or cause them to be delivered to the elector personally on his applying for the same.

(2) In cases where any elector has inadvertently dealt with his ballot paper or any of the connected papers in such a manner that the papers cannot conveniently be used, a second set of ballot and other connected papers may be issued to the elector on the elector returning the ballot paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papers so returned to the Returning Officer together with the counterfoil of the ballot paper so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counterfoil of the ballot paper shall be kept in a separate envelope set apart for the purpose.

43. Safe custody of covers containing postal ballot papers received by the Returning Officer.—The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under rule 39 or rule 41.

CHAPTER III.

COUNTING OF VOTES AT ELECTIONS IN CONSTITUENCIES OTHER THAN COUNCIL CONSTITUENCIES.

44. Appointment of time, place and date for the counting of votes.—(1) At an election in a constituency (other than a Council constituency), where a poll is taken, the Returning Officer shall appoint a date (which shall be as soon as practicable after the completion of the poll throughout the constituency) for the counting of votes, and shall fix the place and time at which the votes shall be counted on the date so appointed.

(2) The Returning Officer shall give notice of such date, time and place in writing to all candidates and their counting agents.

(3) If, at the time so appointed for the counting of votes, all the ballot boxes used at the poll have not been received by the Returning Officer, or if from any other unavoidable cause he is unable to proceed with the counting of votes at the time and date appointed under sub-rule (1), the Returning Officer may postpone the counting to another date and time, and may fix, if necessary, another place for the counting of votes on the date to which the counting has been so postponed, and shall give notice thereof in writing to the candidates and their counting agents.

45. Persons who may be present at the counting of votes.—(1) The Returning Officer shall not allow any person to be present at the counting of votes except such persons as he may appoint to assist him in counting the votes and such other persons as have a right to be present under section 64.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed to assist the Returning Officer in counting the votes.

46.—Procedure to be followed at the counting of votes.—(1) On the date and at the time and place appointed under rule 44, the Returning Officer shall, before he commences to count the votes, read the provisions of section 128 to such persons as may be present. He shall then with respect to ballot boxes used at the poll proceed as follows :—

(i) All the ballot boxes placed for the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all the ballot boxes used at the poll have been received and accounted for.

ii) All the ballot boxes allotted to each particular candidate shall be separated from those allotted to any other candidate and placed together.

(iii) The Returning Officer shall then allow the candidates and their election agents and counting agents present at the counting an opportunity to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(iv) The Returning Officer shall also satisfy himself that none of the boxes has in fact been tampered with. If any ballot box is found by the Returning Officer to have been tampered with or destroyed or lost, the Returning Officer shall postpone the counting of votes and shall follow the procedure laid down in section 58 and shall, after the fresh poll under that section has been completed, recommence the counting on the date and at the time and place appointed by him in this behalf of which notice has been previously given to the candidates and their counting agents.

(v) If the Returning Officer is satisfied that all the ballot boxes used at the poll have been received and are in order, he shall take up the counting of ballot papers contained in the ballot boxes. The counting of all the ballot papers contained in the ballot boxes allotted to the same candidate shall be completed before the counting of the ballot papers contained in the boxes allotted to any other candidate is commenced. As amongst the candidates, the counting of votes shall proceed in the order in which their names occur in the list of validly nominated candidates published under rule 11 in respect of the election.

(vi) One ballot box shall be opened at a time and the mark or marks made in the box or in any of its component parts or attachments and the label containing the symbol affixed inside the box shall be checked. Thereafter the ballot papers shall be taken out from the box and arranged in convenient bundles and counted with the aid of persons appointed to assist in the counting of votes. The same procedure shall then be followed in respect of the other ballot boxes and the ballot papers contained therein. An account of the ballot papers found in each box allotted to each candidate shall be recorded in a statement in Form 14.

(vii) The Returning Officer shall allow the candidates and their election agents and counting agents who may be present reasonable opportunity to inspect all ballot papers, which in the opinion of the Returning Officer are liable to be rejected but shall not allow them to handle those or any other ballot papers. The Returning Officer shall on every ballot paper which is rejected, endorse the word "rejected". If any candidate or his election or counting agent questions the correctness of the rejection of any ballot paper, the Returing Officer shall also record briefly on such ballot paper the grounds for its rejection. A brief record shall be kept in Form 15 of the serial numbers of all ballot papers rejected and of such particulars as will identify the ballot box in which each such ballot paper was found.

(viii) After the counting of all ballot papers contained in each ballot box has been completed by the Returning Officer and an account of such ballot papers has been recorded in Form 14, the Returning Officer shall cause all such ballot papers to be kept in a separate cover on which shall be indicated such particulars as will identify the ballot box in which such ballot papers were found, the name of the candidate to whom such ballot box was allotted, and the name of the polling station and the number of the polling booth, if any, where such ballot box was used.

(ix) After the counting of ballot papers contained in all the ballot boxes has been completed, the Returning Officer shall cause all the covers

containing the ballot papers in support of each candidate to be placed in a separate packet and shall seal up all such packets and shall write on each such packet the name of the candidate in support of whom the ballot papers contained in such packet were cast and the name of the constituency and the date of the election to which it refers. He shall also cause all ballot papers found in the ballot boxes of each candidate but rejected by him to be kept in a separate sealed packet.

After completing the counting of ballot papers contained in all the ballot boxes, the Returning Officer shall with respect to all postal ballot papers received by him under rule 39 or rule 41 before 5 P.M. on the date referred to in sub-rule (2) of rule 39 proceed as follows :—

(*a*) The Returning Officer shall open or cause to be opened all the covers and envelopes containing the postal ballot papers so received by him and collect the ballot papers contained therein and after scrutiny separate or cause to be separated the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection.

(*b*) The Returning Officer shall then count or cause to be counted the valid votes given to each candidate and shall record in the statement in Form 14 the total number of votes so given to each candidate.

(*c*) The Returning Officer shall then seal up in separate packets the valid and the rejected ballot papers and write on each such packet the description of its contents and the name of the constituency and the date of the election to which it refers.

(2) The Returning Officer shall as far as practicable proceed continuously with the counting of the votes and shall during any intervals when the counting has to be suspended, keep the ballot papers, packets and other documents relating to the election sealed with his own seal and the seals of such candidates or election or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

(3) After the counting of ballot papers contained in all the ballot boxes and of the votes recorded on postal ballot papers has been completed, the Returning Officer shall record in the statement in Form 14 the total number of votes polled by each candidate.

47. Grounds for rejection of ballot papers.—(1) A ballot paper contained in a ballot box shall be rejected if—

(*a*) it bears any mark or writing by which the elector can be identified ;

(*b*) in the case where a direction has been issued under rule 20 that the ballot paper shall contain an official mark, it does not contain the official mark ;

(*c*) if it bears any serial number or mark different from the serial numbers or marks of ballot papers authorised for use at the polling station or the polling booth at which the ballot box in which it was found was used ;

(*d*) the Returning Officer is satisfied that it is a spurious ballot paper or that it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(2) If the Returning Officer is satisfied that an elector has put into the same ballot box more than one ballot paper in contravention of the provisions of sub-section (1) of section 63 and of rule 25, he shall reject all but one of such ballot papers at the time of counting the ballot papers contained in that box.

(3) A postal ballot paper which is not duly marked or on which more than one mark is placed against any candidate's name or on which votes are given to more candidates than there are members to be elected, or on which a mark is placed in

such a manner as to make it doubtful to which candidate it has been given or on which the signature of the elector is not duly attested shall be invalid :

Provided that in the case of a plural member constituency where more than one vote can be given on the same ballot paper, if any vote is given by a mark which has not been duly made or by placing more than one mark against any candidate's name or if any of the marks is so placed as to render it doubtful to which candidate it has been given, only the vote concerned, but not the whole ballot paper, shall be invalid on that account.

(4) The decision of the Returning Officer as to the validity of a ballot paper contained in a ballot box or of a postal ballot paper or of a vote given on a postal ballot paper shall be final subject to any decision to the contrary given by a Tribunal on the trial of an election petition calling in question the election.

48. Declaration of candidates elected.—When the counting of votes recorded in favour of each candidate both in ballot papers contained in the ballot boxes and in postal ballot papers has been completed, the Returning Officer shall, subject to the provisions of section 65 and in the case of an election in a constituency where the seats to be filled include one or more seats reserved for the Schedule Castes or for the Scheduled Tribes, subject also to the provisions of sub-section (4) of section 54, forthwith declare the candidate or candidates to whom the largest number of valid votes has been given, to be elected :

Provided that upon the application of any candidate or his election or counting agent in that behalf, a total or partial recount shall be made before the Returning Officer makes the declaration, but the Returning Officer may reject any such application as may appear to him to be frivolous or unreasonable recording at the same time the grounds for such rejection.

49. Verification of accounts submitted by the presiding officers.—The Returning Officer shall not open the sealed packets of the "tendered votes" or the marked copy of the electoral roll. He shall verify the accounts submitted by the presiding officers under rule 33 by comparing them with the statement prepared under clause (vi) of sub-rule (1) of rule 46 and with the number of the valid and the rejected ballot papers, the unused ballot papers in his possession and the tendered votes list, and shall then reclose and reseal each packet which has been opened by him and shall record on each packet the description of its contents and the name of the constituency and the date of the election to which it refers.

50. Return by the Returning Officer.—The Returning Officer shall then prepare and certify a return in Form 16 setting forth :—

(1) the names of the candidates for whom valid votes have been given,
(2) the number of valid votes given for each candidate,
(3) the number of votes declared invalid,
(4) the number of tendered votes,
(5) the result of the verification referred to in rule 49, and
(6) the name or names of the candidate or candidates elected.

He shall also permit any candidate or his election or counting agent to take a copy of or an extract from such return.

51. Custody of the return and of the ballot boxes and papers relating to election.—(1) The Returning Officer shall, after reporting the result of the election under section 67, forward the return to the Chief Electoral Officer.

(2) All ballot boxes used at the election shall be kept in such custody as the Chief Electoral Officer may direct.

(3) The Returning Officer shall keep in his own custody the packets of ballot papers and all other papers relating to the election.

52. Production and inspection of election papers.—(1) While in the custody of the Returning Officer the packets of ballot papers, wheher valid, rejected or tendered, of the counter-foils of postal ballot papers and of the marked copy of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or of a Tribunal.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

(3) Copies of the returns by the Returning Officers forwarded under sub-rule (1) of rule 51 shall be furnished by the Chief Electoral Officer of the State concerned on payment of a fee of two rupees for each such copy.

53. Disposal of election papers.—(1) The packets referred to in sub-rule (1) of rule 52 shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent court or by a Tribunal.

(2) All other papers relating to the election shall be retained until the termination of the next general election for the constituency to which they relate and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent court or by a Tribunal.

CHAPTER IV.

SPECIAL PROVISIONS FOR VOTING AT ELECTIONS IN COUNCIL CONSTITUENCIES.

54. Special rules as to voting in Council constituencies.—The provisions of Chapter II of this Part (except rules 19, 21, 22, 23, 25, 26, 28, 29, and 31 thereof) and the following rules 55 to 63 and rule 71 shall apply in relation to voting at an election in a Council Constituency :

Provided that it shall be permissible under rule 18 to provide more than one polling compartment at a polling station :

Provided further that the presiding officer of each polling station shall under rule 32, after the close of the poll, also make up into a separate packet the counter-foils of the ballot papers used at the polling station and seal such packet with his own seal and the seals of such candidates or election or polling agents as may, desire to affix their seals and deliver the said packet or cause it to be delivered along with the other packets referred to in that rule to the Returning Officer and that the reference to the returned ballot papers in that rule shall include the reference to the ballot papers cancelled under sub-rule (1) of rule 63 :

Provided also that rule 38 shall in its application to voting by electors authorised under rule 35 or permitted under sub-rule (4) of rule 36 or sub-rule (2) of rule 37 to give their votes by postal ballot at any such election have effect as if for the provisions of sub-rules (1) and (2) of the said rule 38 the provisions of sub-rules (1) and (2) of rule 65 were substituted.

55. Articles to be provided at the polling station.—The Returning Officer shall provide at each polling station materials sufficient for the purpose of enabling electors to mark the ballot papers, instrument for stamping the official mark, if any, on such papers, as many ballot boxes as may be necessary, and copies of the electoral roll or of such part thereof as contains the names of the electors entitled to vote at such station.

56. Ballot boxes to be locked and sealed before the commencement of poll.—(1) Every ballot box shall be of such design as has been previously approved of by the Election Commission. It shall be so constructed that ballot papers can be

introduced therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

(2) The presiding officer at each polling station shall immediately before the commencement of the poll allow inspection of each ballot box to be used at the poll to the candidates, their election agents and their polling agents who may be present at such station, and demonstrate to them and to all other persons present that it is empty.

(3) Where it is necessary to use a paper seal for securing the ballot box, the presiding officer shall thereafter fix in the space meant therefor in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal and obtain thereon the signatures or seals of such candidates or of such election or polling agents of the candidates, as may be present and may desire to affix such signatures or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open.

(4) Where it is not necessary to use a paper seal for securing a ballot box, the presiding officer shall, after demonstrating under sub-rule (2) that the ballot box is empty, secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(5) The paper seal or the other seals used in a ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such paper seal or other seals or any thread on which the other seals have been affixed.

57. Forms of ballot paper.—The ballot paper shall be in Form 17 and the particulars therein shall be printed in such language or languages as the Election Commission may direct. The names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

58. Procedure before recording votes.—(1) The elector on entering the polling station shall approach the polling officer in charge of the electoral roll who shall ascertain the elector's name and address and such other particulars as appear on the roll and, after having checked these by reference to the roll, shall call out the number, name and description of the elector according to the entry in the roll.

(2) On the elector's name being called out the elector shall approach the polling officer in charge of the ballot papers who shall thereafter deliver a ballot paper to the elector. Before delivering the ballot paper, the polling officer shall, where a direction has been issued in this behalf under rule 20, stamp the ballot paper with such official mark as may have been specified under that rule. Such polling officer shall at the time of delivery of the ballot paper place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper and shall also enter on the counterfoil the serial number of the elector and the name of the constituency and of the polling station.

(3) In deciding the right of a person to obtain a ballot paper under this rule, the presiding officer at any polling station may interpret an entry in the electoral roll so as to overlook merely clerical or printing errors, provided that he is satisfied that such person is identical with the elector to whom such entry relates.

59. Manner of recording votes.—(1) The elector on receiving a ballot paper shall proceed for the purpose of recording his vote into a polling compartment provided for the purpose and shall record his vote in accordance with the

nstructions set out on the ballot paper. He shall then, before quitting the polling compartment, fold up his ballot paper so as to conceal his vote and if there is an official mark on the ballot paper, show to the presiding officer the official mark and then proceed to the ballot box provided and put the ballot paper so folded up into the ballot box.

(2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.

60. Instructions for the recording of votes to be explained by the presiding officer when requested.—The presiding officer at a polling station shall, when he is so requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.

61. Recording of votes of infirm electors.—If owing to physical incapacity an elector is unable to read the ballot paper or to make a mark thereon, the presiding officer shall record the vote in the ballot paper according to the direction of the elector. The elector shall then himself or with the assistance of the presiding officer put the ballot paper folded up into the ballot box. The presiding officer shall have this done with as much secrecy as is feasible and shall keep a brief record of each such instance without indicating the manner in which the votes have been cast.

62. Tendered ballot papers.—(1) If a person representing himself to be a particular elector named in the electoral roll applies for a ballot paper after another person has already voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark a ballot paper (referred to in this Chapter and in Chapter VI of this Part as a "tendered ballot paper") in the same manner as any other elector.

(2) A tendered ballot paper shall be of a colour different from the other ballot papers and shall, instead of being put into the ballot box, be handed over by such person to the presiding officer, who shall thereupon in the presence of such person endorse it with the name of the elector, his serial number in the electoral roll and the name of the electoral area to which the roll relates. The presiding officer shall then place the ballot paper in a separate packet set apart for the purpose. At the end of the poll, the packet containing all such tendered ballot papers shall be sealed. The votes cast on tendered ballot papers shall not be counted by the Returning Officer.

(3) The name of the constituency, the name of the elector, his serial number in the electoral roll and the name of the polling station to which the roll relates shall be entered in a list in Form 8 which shall bear the heading "Tendered Votes List". The person tendering such ballot paper shall sign his name or affix his thumb impression against the entry relating to such ballot paper in that list.

63. Supply of fresh ballot paper when ballot paper is spoilt through inadvertence and the return of ballot paper by an elector.—(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and on satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so delivered and the latter shall together with its counterfoil be marked as cancelled by the presiding officer. All ballot papers so cancelled shall be kept in a separate envelope set apart for the purpose.

(2) If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer and the ballot paper so returned shall then be marked as "cancelled-returned" and kept in the envelope set apart for the purpose of keeping ballot papers cancelled under sub-rule (1).

(3) A record shall be kept by the presiding officer of the ballot papers cancelled under sub-rules (1) and (2).

64. Voting by postal ballot in Council constituencies.– (1) Notwithstanding anything in the foregoing provisions of this Chapter the Election Commission may, at any time after the notification calling upon a Council constituency to elect a member or members has been issued under the Act but not later than the last date for the withdrawal of candidatures at such election appointed under clause (c) of section 30, direct by notification in the Official Gazette, that the method of voting by postal ballot shall be followed at such election in that constituency as a whole.

(2) When any notification has been issued under sub-rule (1) the provisions of Chapter II of this Part (except rules 35 and 36 thereof) and of rules 55 to 63 shall not be applicable, but the provisions of rules 35 and 36 and the following rules 65 to 71 shall apply, in relation to voting at the election to which such notification relates if a poll is taken at such election.

65. Returning Officer to send ballot papers by post.—(1) The Returning Officer shall, as soon as may be after the publication under rule 11 of the list of validly nominated candidates at the election, send by registered post to each elector a ballot paper in Form 18 (referred to in this Chapter and in Chapter VI of this Part as a "postal ballot paper"), and shall enter on the counterfoil of each such ballot paper the name of the elector to whom the ballot paper is sent and his serial number in the electoral roll. The particulars in the ballot paper shall be printed in such language or languages as the Election Commission may direct, and the names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

(2) Along with the ballot paper the Returning Officer shall also send—

(*a*) a cover addressed to himself in Form 19,

(*b*) an envelope with the number of the ballot paper entered on its face, and

(*c*) a letter in Form 20.

The Returning Officer shall have the number of the ballot paper entered at the left hand bottom corner of the cover in Form 19.

(3) The ballot paper together with the cover envelope and letter shall be sent—

(*a*) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member and has been registered in the electoral roll for the constituency in which the election is held on the basis of the statement referred to in rule 35, to the address of the elector as shown in the electoral roll, or to such elector under the care of such officer of the said Forces as the Election Commission may designate;

(*b*) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (*a*) of section 60, or the wife of any such person and has been so registered in such electoral roll, to such elector at the place where the elector or her husband as the case may be, is holding such office;

(*c*) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of any such person and has been so registered in such electoral roll, to such elector under the care of the diplomatic or consular representative of India in the country in which such elector is resident;

(*d*) in the case where the elector is a person subjected to preventive detention and has been permitted under sub-rule (4) of rule 36 to give his vote at the election by postal ballot, to such elector at the place of his detention; and

(e) in the case of any other elector, to the address of the elector as shown in the electoral roll.

(4) The Officer of the Armed Forces or the diplomatic or consular representative of India under whose care a ballot paper is sent to an elector under clause (a) or clause (c) of sub-rule (3) shall ensure that the ballot paper is delivered to such elector without delay.

(5) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counterfoils of all such ballot papers and record on such packet the description of its contents and the name of the constituency and the date of the election to which it refers.

(6) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

66. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 65, if he desires to vote at the election, shall record his vote thereon and sign the declaration on its back in accordance with the instructions set out on the ballot paper and in the letter sent with the ballot paper.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 P.M. on the date fixed in this behalf by the Returning Officer. Any cover which is not received by the Returning Officer before 5 P.M. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

67. Attestation of elector's signature on the ballot paper.—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper—

(a) in the case referred to in clause (a) of sub-rule (3) of rule 65, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed ;

(b) in the case referred to in clause (b) of that sub-rule, by an officer not below the rank of a Deputy Secretary to Government ;

(c) in the case referred to in clause (c) of that sub-rule, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident ;

(d) in the case referred to in clause (d) of that sub-rule, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified ; and

(e) in other cases, by a magistrate or such other person as may be notified in this behalf by the Election Commission, to whom the elector is personally known or to whose satisfaction the elector has been identified.

68. Attesting Officer to assist infirm electors.—(1) If an elector to whom a ballot paper has been sent under rule 65 is unable through physical incapacity to record his vote and sign the declaration on the back of the ballot paper in accordance with the provisions of rule 66, it shall be competent for him to make his declaration and to record his vote by the hand of an officer or other pereon empowered to attest his signature and declaration under rule 67 (referred to in this Chapter as an "attesting officer").

(2) Any such elector as aforesaid may deliver the ballot paper together with the envelope and the cover received by him from the Returning Officer to an attesting officer, and such officer shall on being so requested by the elector certify on the back of the ballot paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to record the vote on the ballot paper for him, and that he has put the marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector.

(3) Such officer shall thereupon place the marked ballot paper in the envelope, close the envelope and enclose it in the cover which he shall seal and hand over to the elector. The elector shall then send the sealed cover forthwith to the Returning Officer in accordance with the instructions contained in the letter sent to the elector along with the ballot paper so as to reach the Returning Officer before 5 P.M. on the date referred to in sub-rule (2) of rule 66. Any cover which is not received by the Returning Officer before 5 P.M. on such date shall be rejected and kept along with the covers rejected under the said sub-rule.

69. Issue of undelivered and fresh ballot papers.—(1) when a ballot paper and other connected papers sent by post under rule 65 are for any reason returned undelivered, the Returning Officer may reissue them by registered post or deliver them or cause them to be delivered to the elector personally on his applying for the same.

(2) In cases where any elector has inadvertently dealt with his ballot paper or any of the connected papers in such a manner that the papers cannot conveniently be used, a second set of ballot and other connected papers may be issued to the elector on the elector returning the ballot paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papars so returning to the Returning Officer together with the counterfoil of the ballot paper so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counterfoil of the ballot paper shall be kept in a separate envelope set apart for the purpose.

70. Safe custody of covers containing postal ballot papers received by the Returning Officer.—The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under rule 66 or rule 68.

71. Votes and preferences to be exercised by the electors at an election in a Council constituency.—(1) At an election in a council constituency every elector shall have one vote only.

(2) Such an elector in giving his vote—

(*a*) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he votes, and

(*b*) may, in addition, place on his ballot paper the figure 2, or the figures 2 and 3, or 2, 3 and 4, and so on,, in the spaces opposite the names of other candidates in the order of his preference.

CHAPTER V

SPECIAL PROVISIONS FOR VOTING AT ELECTIONS TO FILL SEATS IN THE COUNCIL OF STATES AND AT ELECTIONS BY THE MEMBEBS OF THE LEGISLATIVE ASSEMBLIES TO FILL SEATS IN THE LEGISLATIVE COUNCILS.

72. Special rules as to voting at certain elections to fill seats in the Council of States and in the Legislative Councils.—At an election (other than a primary election) to fill a seat or seats in the Council of States or at an election by the

members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State, the following rules 73 to 82 and rule 89 shall apply in relation to voting at such election, if a poll is taken thereat.

73. Notice to the elected members or the members of the Legislative Assembly of a State or the members of the electoral college for a Part C State or group of such States of the date, time and place fixed for the poll.—(1) As soon as may be after the publication of the hours fixed under section 56 for polling at an election by the elected members of the Legislative Assembly of a State or by the members of the electoral college for Part C State or group of such States to fill a seat or seats in the Council of States, or at an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of that State, the Returning Officer for such election shall by notice in writing inform each elected member or member of such Legislative Assembly or each member of such electoral college, as the case may be, (referred to in this Chapter and in Chapter VI of this Part as an "elector") of the date fixed for the poll under clause (*d*) of sub-section (2) of section 39, the hours of polling so fixed and the place fixed under sub-section (1) of section 29 at which the poll will be taken.

(2) Notice under sub-rule (1) shall be served personally and, in default of personal service, shall be served by registered post or, if necessary, by telegram.

74. Articles to be provided at the place fixed for the poll.—The Returning Officer shall provide at the place fixed for the poll materials sufficient for the purpose of enabling electors to mark the ballot papers and as many ballot boxes as may be necessary. He shall also provide a sufficient number of copies of the list containing the names of the electors maintained under sub-section (1) or sub-section (2) of section 152, as the case may be.

75. Ballot boxes to be locked up and sealed before the commencement of poll.—(1) Every ballot box shall be of such design as has been previously approved of by the Election Commission. It shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked and the seals being broken.

(2) The Returning Officer shall immediately before the commencement of the poll allow inspection of each bollot box to be used at the poll to the candidates, their election agents and their polling agents who may be present at the place fixed for the poll and demonstrate to them and to all other persons present that it is empty.

(3) Where it is necessary to use a paper seal for securing the ballot box, the Returning Officer shall thereafter fix in the space meant therefor in each such box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal and obtain thereon the signatures or seals of such candidates or of such election or polling agents of the candidates as may be present and may desire to affix such signatures or seals. He shall then secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open.

(4) Where it is not necessary to use a paper seal for securing a ballot box, the Returning Officer shall, after demonstrating under sub-rule (2) that the ballot box is empty, secure and seal the box in such manner that the slit in the box for insertion of ballot papers therein remains open and shall also allow the candidates or their election or polling agents who may be present to affix their own seals on the space in the box meant therefor, if they so desire.

(5) The paper seal or the other seals used in a ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such paper seal or other seals or any thread on which the other seals have been affixed.

76. Admission to the place fixed for the poll.—(1) The Returning Officer shall regulate the number of electors to be admitted at any one time inside the place fixed for the poll and shall exclude therefrom all other persons except—

(*a*) the polling officers;

(*b*) each candidate, his election agent, and one polling agent of each candidate;

(*c*) the police officers and other public servants on duty; and

(*d*) such other persons as the Returning Officer may from time to time admit for the purpose of assisting him in taking the poll.

(2) The Returning Officer shall close the place fixed for the poll at the hour fixed in that behalf under section 56 and shall not admit thereto any elector after that hour:

Provided that all electors present at the place fixed for the poll before it is so closed shall be entitled to have their votes recorded.

77. Form of ballot paper.—The ballot paper shall be in Form 21 and the particulars therein shall be printed in such language or languages as the Election Commission may direct. The names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

78. Procedure before recording votes.—Immediately before a ballot paper is delivered to an elector, a mark shall be placed in the copy of the list of electors maintained under sub-section (1) or sub-section (2), as the case may be, of section 152 against the name of the elector and the number of the elector in the said list shall be entered on the counterfoil of the ballot paper. The elector shall then give a receipt in writing against his name in the said copy of the list that he has received the ballot paper. No other mark or writing shall be put against the name in such list and no ballot paper shall be delivered to an elector unless he has given such receipt.

79. Supply of fresh ballot paper when ballot paper is spoilt through inadvertence and the return of ballot paper by an elector.—(1) An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the returning officer and an satisfying him of the inadvertence, obtain another ballot paper in place of the ballot paper so delivered and the latter shall together with its counterfoil be marked as cancelled by the Returning Officer. All ballot papers so cancelled shall be kept in a separate envelope set apart for the purpose.

(2) If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the Returning Officer and the ballot paper so returned shall then be marked as "cancelled-returned" and kept in the envelope set apart for the purpose of keeping ballot papers cancelled under sub-rule (1).

(3) A record shall be kept by the Returning Officer of the ballot papers cancelled under sub-rules (1) and (2).

80. Manner of recording votes.—(1) The elector on receiving a ballot paper shall proceed for the purpose of recording his vote into a place screened from observation provided therefor and shall record his vote in accordance with the instructions set out on the ballot paper. He shall then, before quitting such place fold up his ballot paper so as to conceal his vote and shall proceed to the ballot box provided and put the ballot paper so folded up into the ballot box.

(2) Each elector shall vote without undue delay and shall quit the place fixed for the poll as soon as he has put his ballot paper into the ballot box.

81. Instructions for the recording of votes to be explained by the Returning Officer when requested.—The Returning Officer shall, when he is so requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes.

82. Sealing up of ballot boxes, etc., after the close of the poll.—As soon as practicable after the close of the poll, the Returning Officer shall, in the presence of any candidates or their election or polling agents who may be present, close the slit for insertion of ballot papers of each ballot box or where the box does not contain any mechanical device for closing the slit, seal up the slit and seal and secure all the ballot boxes used at the place fixed for the poll. He shall also make up into separate packets—

(*a*) the unused ballot papers ;
(*b*) the marked copy of the list of electors containing receipts of the electors that ballot papers have been obtained by such electors ;
(*c*) the ballot papers cancelled under sub-rules (1) and (2) of rule 79 ; and
(*d*) the counterfoils of ballot papers,

and shall seal each such packet with his own seal and the seals of such candidates or election or polling agents as may desire to affix their seals thereon. The Returning Officer shall retain the ballot box or boxes used at the place fixed for the poll and all such packets in safe custody until the commencement of the counting of votes.

83. Voting by postal ballot at certain elections to fill seats in the Council of States and in the Legislative Councils.—(1) Notwithstanding anything in the foregoing provisions of this Chapter, the Election Commission may, at any time before the last date appointed under clause (*c*) of sub-section (2) of section 39 for the withdrawal of candidatures at any election referred to in that sub-section, direct by notification in the Official Gazette, that the method of voting by postal ballot shall be followed at such election.

(2) When any notification has been issued under sub-rule (1), the provisions of rules 73 to 82 shall not be applicable, but the following rules 84 to 89 shall apply, in relation to voting at the election to which such notification relates if a poll is taken at such election.

84. Returning Officer to send ballot papers by post.—(1) On or before such date as may be fixed in this behalf by the Election Commission, the Returning Officer shall send by registered post to each elected member or member of the Legislative Assembly concerned or each member of the electoral college concerned, as the case may be, (referred to in this Chapter and in Chapter VI of this Part as an "elector") a ballot paper in Form 22 (referred to in this Chapter and in the said Chapter VI as a "postal ballot paper") and shall enter on the counterfoil of each such ballot paper the name of the elector to whom the ballot paper is sent and his number in the list maintained under sub-section (1) or sub-section (2), as the case may be, of section 152. The particulars in the ballot paper shall be printed in such language or languages as the Election Commission may direct, and the names of the candidates shall be printed on the ballot paper in the same order in which the names of such candidates appear in the list of validly nominated candidates at the election published under rule 11.

(2) Along with the ballot paper the Returning Officer shall also send—

(*a*) a cover addressed to himself in Form 23 ;
(*b*) an envelope with the number of the ballot paper entered on its face ; and
(*c*) a letter in Form 24.

The Returning Officer shall have the number of the ballot paper entered at the left-hand bottom corner of the cover in Form 23.

(3) The ballot paper together with the cover, envelope and letter shall be sent to the address of the elector as shown in the list maintained under sub-section (1) or sub-section (2), as the case may be, of section 152.

(4) After all the ballot papers have been issued under this rule, the Returning Officer shall seal up in a packet the counterfoils of all such ballot papers and record on such packet the description of its contents and the date of the election to which it refers.

(5) No election shall be invalidated by reason that an elector has not received his ballot paper provided that a ballot paper has been issued to him in accordance with these rules.

85. Ballot papers to be returned after recording votes thereon.—(1) Every elector on receiving his ballot paper sent under rule 84, if he desires to vote at the election, shall record his vote thereon and sign the declaration on its back in accordance with the instructions set out on the ballot paper and in the letter sent with the ballot paper.

(2) The elector shall then place the ballot paper in the envelope, close the envelope and enclose it in the cover and send the cover to the Returning Officer in accordance with the instructions contained in the letter so as to reach him before 5 P.M. on the date fixed in this behalf by the Election Commission. Any cover which is not received by the Returning Officer before 5 P.M. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer.

86. Attestation of elector's signature on the ballot paper.—An elector shall obtain the attestation of his signature but not of his vote on the postal ballot paper by a magistrate or such other officer as may be notified in this behalf by the Election Commission to whom the elector is personally known or to whose satisfaction the elector has been identified.

87. Issue of undelivered and fresh ballot papers.—(1) When a ballot paper and other connected papers sent by post under rule 84 are for any reason returned undelivered, the Returning Officer may reissue them by registered post or deliver them or cause them to be delivered to the elector personally on his applying for the same.

(2) In cases where any elector has inadvertently dealt with his ballot paper or any of the connected papers in such a manner that the papers cannot conveniently be used, a second set of ballot and other connected papers may be issued to the elector on the elector returning the ballot paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papers so returned to the Returning Officer together with the counterfoil of the ballot paper so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counterfoil of the ballot paper shall be kept in a separate envelope set apart for the purpose.

88. Safe custody of covers containing postal ballot papers received by the Returning Officer.—The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him under rule 35.

89. Votes and preferences to be exercised by the electors.—(1) Every elector shall have one vote only.

(2) An elector in giving his vote—

(*a*) shall place on his ballot paper the figure 1 in the space opposite the name of the candidate for whom he votes, and

(*b*) may in addition, place on his ballot paper the figure 2, or the figures 2 and 3, or 2, 3 and 4, and so on, in the spaces opposite the names of other candidates in the order of his preference.

CHAPTER VI.

SPECIAL PROVISIONS WITH REGARD TO THE COUNTING OF VOTES AT ELECTIONS IN COUNCIL CONSTITUENCIES, AT ELECTIONS TO FILL SEATS IN THE COUNCIL OF STATES AND AT ELECTIONS BY THE MEMBERS OF THE LEGISLATIVE ASSEMBLIES TO FILL SEATS IN THE LEGISLATIVE COUNCILS.

90. Special rules as to the counting of votes at certain elections.—At an election in a Council constituency or at an election (other than a primary election) to fill a seat or seats in the Council of States or at an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of that State, the following rules 91 to 109 shall apply in relation to the counting of votes at such election and the matters connected therewith.

91. Definitions.—In this Chapter—

(1) the expression "continuing candidate" means any candidate not elected and not excluded from the poll;

(2) the expression "first preference" means the figure 1, the expression "second preference" means the figure 2, and the expression "third preference" means the figure 3, set opposite the name of any candidate, and so on;

(3) the expression "transferable paper" means a ballot paper on which a second or subsequent preference is recorded for a continuing candidate;

(4) the expression "non-transferable paper" means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to be non-transferable paper in any case in which—

(*a*) the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or

(*b*) the name of the candidate next in order of preference (whether continuing or not) is marked—

(i) by a figure not following consecutively after some other figure on the ballot paper; or

(ii) by two or more figures;

(5) the expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

(6) the expression "transferred vote" in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate;

(7) the expression "surplus" means the number of votes by which the total number of votes, original and transferred, credited to any candidate exceeds the quota.

92. Grounds for declaring ballot papers invalid.—A ballot paper shall be invalid on which—

(*a*) the figure 1 is not marked; or

(*b*) the figure 1 is set opposite the name of more than one candidate; or is so placed as to render it doubtful to which candidate it is intended to apply; or

(*c*) the figure 1 and some other figure are set opposite the name of the same candidate; or

(*d*) any mark is made by which the elector may afterwards be identified; or

(*e*) if it is a postal ballot paper, the signature of the elector is not duly attested.

93. Appointment of time, place and date for the counting of votes.—(1) The Returning Officer shall appoint a date (which shall be as soon as practicable after the close of the poll) for the counting of votes, and shall fix the place and time at which the votes shall be counted on the date so appointed.

(2) The Returning Officer shall give notice of such date, time and place in writing to all candidates and their counting agents.

(3) If from any unavoidable cause the Returning Officer is unable to proceed with the counting of votes at the time and date appointed under sub-rule (1), the Returning Officer may postpone the counting to another date and time, and may fix, if necessary, another place for the counting of votes on the date to which the counting has been so postponed, and shall give notice thereof in writing to the candidates and their counting agents.

94. Persons who may be present at the counting of votes.—(1) The Returning Officer shall not allow any person to be present at the counting of votes except such persons as he may appoint to assist him in counting the votes and such other persons as have a right to be present under section 64.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed to assist the Returning Officer in counting the votes.

95. Procedure to be followed at the counting of votes.—(1) On the date and at the time and place appointed under rule 93, the Returning Officer shall before he commences to count the votes read the provisions of section 128 to such persons as may be present.

(2) The Returning Officer shall then—

(*a*) in the case of an election where votes have been recorded only by postal ballot, open the covers containing the postal ballot papers received by him under rules 66 and 68 before 5 P.M. on the date referred to in sub-rule (2) of rule 66, or, under rule 35 before 5 P.M. on the date referred to in sub-rule (2) of that rule, as the case may be; and

(*b*) in other cases, open the ballot boxes, and where the election relates to a Council constituency, also the covers received by him under rules 39 and 41 before 5 P.M. on the date referred to in sub-rule (2) of rule 39.

(3) In the case of an election in a Council constituency the Returning Officer shall, after the ballot papers have been taken out from each of the ballot boxes, count them or cause them to be counted and record the number thereof in a statement.

(4) The Returning Officer shall thereafter scrutinise the ballot papers taken out from the covers under clause (*a*) of sub-rule (2), or the ballot papers taken out from the ballot boxes and covers under clause (*b*) of that sub-rule, as the case may be, and separate the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word "rejected" and the ground of rejection; and after rejecting those which are invalid shall arrange the remainder in parcels according to the first preferences recorded for each candidate.

96. Counting of votes.—The Returning Officer shall then count the number of papers in each parcel, and credit each candidate with one vote in respect of each valid paper on which a first preference has been recorded for him, and he shall ascertain the total number of valid papers.

97. Ascertainment of quota.—The Returning Officer shall then divide the total number of valid papers by a number exceeding by one the number of vacancies to be filled, and the result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate (in this Chapter referred to as the "quota").

98. Candidates with quota elected.—If at any time the number of votes to a candidate is equal to or greater than the quota, that candidate shall be declared elected.

99. Transfer of surplus.—(1) If at any time the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicated on the ballot papers in the parcel of the elected candidates, as being next in order or the electors' preference.

(2) (*a*) If the votes credited to an elected candidate consist of original votes only, the Returning Officer shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon.

(*b*) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Returning Officer shall examine the papers contained in the sub-parcel last received by the elected candidate and shall arrange the transferable papers therein in further sub-parcels according to the next preferences recorded thereon.

(*c*) In either case the Returning Officer shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

(3) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-parcel of transferable papers to the continuing candidate indicated thereon as the electors' next preference.

(4) (*a*) If the total number of transferable papers is greater than the surplus the Returning Officer shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

(*b*) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

(*c*) If owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the larger which arises from larger sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

If the original votes are equal, the Returning Officer shall determine by lot which fraction shall be deemed to be the largest.

(*d*) The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

(*e*) Each paper transferred shall be marked in such a manner as to indicate the candidate from and to whom the transfer is made.

(5) (*a*) If more than one candidate has a surplus, the largest surplus shall be first dealt with.

(*b*) If two or more candidates have each the same surplus, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes are equal, the Returning Officer shall decide which surplus he will first deal with.

(c) The Returning Officer need not transfer the surplus of an elected candidate when that surplus together with any other surplus not transferred, does not exceed the difference between the totals of the votes credited to the two continuing candidates lowest on the poll.

100. Exclusion of candidates lowest on the poll.—(1) If at any time no candidate has a surplus (or when under the preceding rule any existing surplus need not be transferred) and one or more vacancies remain unfilled, the Returning Officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded.

The Returning Officer shall make a separate sub-parcel of the non-transferable papers.

(2) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred, is less than the votes credited to the next highest candidate, the Returning Officer may in one operation exclude those candidates from the poll and transfer their votes in accordance with the preceding rule.

(3) If, when a candidate has to be excluded under this rule, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with lowest original votes shall be excluded, and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they had an unequal number of votes and the candidate with the lowest number of votes at that transfer shall be excluded, and where the numbers of votes credited to those candidates were equal at all transfers, the Returning Officer shall decide by lot which of them shall be excluded.

101. Disposal of papers after any transfer.—(1) Whenever any transfer is made under any of the preceding rules, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with one vote in respect of each paper transferred. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

(2) If after any transfer a candidate has a surplus, that surplus shall be dealt with in accordance with and subject to the provisions contained in rule 99 before any other candidate is excluded.

102. Filling the last vacancies.—(1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.

(3) When the last vacancies can be filled under this rule, no further transfer of votes need be made.

103. Provision for recounts.—Any candidate or in his absence his election or counting agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), request the Returning Officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer

as finally dealt with), and the Returning Officer shall forthwith re-examine and recount the same accordingly. The Returning Officer may also at his discretion recount votes either once or more often in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing herein shall make it obligatory on the Returning Officer to recount the same votes more than once.

104. Illustration of the procedure as to the counting of votes under this Chapter.—An illustration of the procedure as to the counting of votes in accordance with the provisions of this Chapter is given in Schedule III.

105. Verification of accounts submitted by the presiding officers.—In the case of an election in a Council constituency where votes have not been recorded only by postal ballot, the Returning Officer shall not open the sealed packets of the tendered ballot papers, the marked copy of the electoral roll or the counterfoils of the ballot papers, but he shall verify the accounts submitted by the presiding officers under rule 33 by comparing them with the statement prepared under sub-rule (3) of rule 95 and with the number of the valid ballot papers and the rejected ballot papers, the unused ballot papers in his possession and the tendered votes list and record the result of the verification in a statement. He shall then reclose and reseal each packet which has been opened by him, and shall also seal the statements prepared under this rule and under sub-rule (3) of rule 95 in a separate packet. He shall record on each packet the description of its contents and the name of the constituency and the date of the election to which it refers.

106. Return by Returning Officers.—(1) Upon the completion of the counting of votes, the Returning Officer shall prepare and certify a return in Form 25 setting forth—

(*a*) the names of the candidates for whom valid votes have been given;
(*b*) the number of valid votes given to each candidate:
(*c*) the number of votes declared invalid and rejected;
(*d*) the names of the persons declared elected.

The Returning Officer shall also permit any candidate or his election or counting agent to take a copy of or an extract from the return.

(2) The Returning Officer shall then seal up in separate packets the valid and the rejected ballot papers and record on each such packet the description of its contents and the date of the election to which it refers.

107. Custody of the return and of the ballot boxes and papers relating to election.—(1) The Returning Officer shall, after reporting the result of the election under section 67, forward the return to the Chief Electoral Officer.

(2) All ballot boxes used at the election shall be kept in such custody as the Chief Electoral Officer may direct.

(3) The Returning Officer shall keep in his own custody the packets of ballot papers and all other papers relating to the election.

108. Production and inspection of election papers.—(1) While in the custody of the Returning Officer, the packets of ballot papers, whether valid, rejected or tendered and their counterfoils, and of the marked copy of the electoral roll or of the list maintained under sub-section (1) or sub-section (2) of section 152 shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or of a Tribunal

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Election Commission may direct.

(3) copies of the returns by the Returning Officers forwarded under sub-rule (1) of rule 107 shall be furnished by the Chief Electoral Officer of the State concerned on payment of a fee of two rupees for each such copy.

109. Disposal of election papers.— (1) The packets referred to in sub-rule (1) of rule 108 shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent Court or by a Tribunal.

(2) All other papers relating to an election to which this Chapter applies shall be retained until the termination of the next election held in pursuance of a notification issued under sub-section (2) of section 12 or sub-section (2) of section 18, as the case may be, and shall thereafter be destroyed subject to any direction to the contrary given by the Election Commission or by a competent Court or by a Tribunal.

CHAPTER VII.

ELECTION EXPENSES.

110. Application of Chapter VIII of Part V of the Act to certain elections.— The provisions of Chapter VIII of Part V of the Act shall apply to every election to fill a seat or seats in the Council of States and to every election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of that State.

111. Accounts of election agents.—The books of accounts to be kept by an election agent under section 44 shall contain a statement —

(*a*) of all payments made or authorised by the candidate or by his election agent or made on behalf of the candidate or in his interests by any other person with the consent of the candidate or his election agent for expenses incurred on account of, or in connection with, the conduct and management of the election, and

(*b*) of all unpaid claims in respect of such expenses of which the candidate or his election agent is aware.

112. Return of election expenses.—(1) The returns of election expenses under Chapter VIII of Part V of the the Act shall be lodged with the Returning Officer within forty-five days from the date of the publication under section 67 of the result of the election to which the expenses relate.

(2) Every such return shall be in Form 26 and shall contain the particulars specified in paragraphs I and II of Schedule IV and shall be accompanied by the declarations referred to in sub-section (2) of section 76. The said declarations shall be in the forms contained in paragraph 3 of the said Schedule and shall be written on papers stamped with non-judicial stamps of the value of two rupees each.

(3) The declaration to be made under sub-section (3) of section 76 by a candidate who owing to absence from India was unable to sign the return of election expenses and to make the required declaration shall be in the special form contained in paragraph 4 of the said Schedule.

(4) At the time when any return of election expenses is lodged with the Returning Officer, he shall note on the return the date on which it is lodged and shall also certify thereon whether or not in his opinion the return has been lodged within the time and in the manner required by the Act and these rules. In the case where a candidate owing to absence from India was unable to sign the return and to make the required declaration, the Returning Officer shall not endorse thereon the certificate referred to above until the declaration made under sub-section (3) of section 76 has been lodged with him.

113. Notice that return of election expenses has been lodged and inspection and copy of such return.—When any return and the declaration in respect thereof including in the case of a candidate, who owing to absence from India was unable to sign the return and to make the required declaration, the declaration made by such candidate under sub-section (3) of section 76, have all been lodged with the Returning Officer, the Returning Officer shall within two days from the date of the receipt of such return and the declarations cause a notice of the date or dates on which the return and declarations in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and shall, as soon as may be, cause such notice to be published in the official Gazette ; and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return and declarations and, on payment of such fee as may be fixed by the Election Commission in this behalf, be entitled to obtain attested copies thereof or of any part thereof.

114. Decision of Election Commission regarding persons who have defaulted in making the return of election expenses and have thereby incurred disqualifications and publication of the list of such persons.—(1) Within ten days from the expiration of the time specified in sub-rule (1) of rule 112 for the lodging of the return of election expenses of candidates at any election, the Returning Officer shall submit for the information of the Election Commission a statement containing the names of all candidates and their election agents together with a report whether they have lodged their returns of election expenses and, if so, the respective dates on which such returns have been lodged and shall, in the said report, invite attention to returns which in his opinion have not been lodged within the time and in the manner required by the Act and these rules.

(2) As soon as may be after the expiration of the time specified in sub-section (3) of section 76 in the case of every candidate to whom the provisions of the said sub-section apply, the Returning Officer shall also forward for the information of the Election Commission a statement containing the name of such candidate and of his election agent and also containing a report whether any declaration under the said sub-section has been lodged by the candidate after his return to India and if so the date on which the said declaration has been lodged and shall, in the said report, invite attention to every such declaration which in his opinion has not been lodged within the time and in the manner required by the Act and these rules.

(3) Immediately after the submission of the statement referred to in sub-rule (1) or in sub-rule (2), the Returning Officer shall publish a list by affixing a copy thereof in some conspicuous place in his office notifying therein the names of all candidates and their election agents who have been reported by him under sub-rule (1) or sub-rule (2), as the case may be, to have failed to lodge their returns of election expenses within the time and in the manner required.

(4) As soon as may be on the receipt of the statement referred to in sub-rule (1) or in sub-rule (2) the Election Commission shall, after considering the report of the Returning Officer, decide whether any candidate or election agent has failed to lodge the return of election expenses within the time and in the manner required by the Act and these rules and the candidate and the election agent have thereby incurred disqualifications under clause (*c*) of section 7 or under section 143.

(5) Not later than forty days from the expiration of the time specified in sub-rule (1) of rule 112 for the lodging of the return of election expenses or of the time specified in sub-section (3) of section 76 for the lodging of the declaration by the candidate after his return to India, as the case may be, the Election Commission shall cause to be published in the official Gazette and in such other manner as it may direct a list containing the names of all candidates and their election agents who have, according to the decision given by the Election Commission under sub rule (4), failed to lodge the returns of election expenses within the time and in the

manner required by the Act and these rules and have thereby incurred the disqualifications referred to in that sub-rule.

(6) Any candidate or election agent whose name is included in the list referred to in sub-rule (5) may within fifteen days from the date of publication of the list in the Official Gazette submit a representation in writing to the Election Commission for the removal of the disqualification referred to in sub-rule (4) incurred by such candidate or election agent with an explanation as to why default has been made in making the return of election expenses, and shall at the same time send a copy thereof to the Returning Officer. Along with such copy the candidate or the election agent shall, if he has not already done so, submit a return of election expenses to the Returning Officer in the manner required by the Act and these rules. The Returning Officer shall within five days of the receipt thereof forward to the Election Commission the said copy and return (if any) with such comments as he wishes to make thereon.

(7) As soon as may be on receipt of the representation under sub-rule (6) and after such inquiry as it thinks fit, the Election Commission shall decide whether or not the disqualification incurred by the candidate or the election agent should be removed.

115. Notification of disqualifications.—As soon as may be after the expiration of the period of two months referred to in clause (b) of sub-section (1) of section 8 or of such longer period as the Election Commission may in any particular case allow under the said clause, the Election Commission shall cause the names of all candidates and their election agents who have been notified under sub-rule (5) of rule 114 as having incurred disqualifications under clause (c) of section 7 or under section 143 and whose disqualifications have not up to that time been removed by the Election Commission to be published in the Official Gazette.

116. Maintenance of records regarding elections and election expenses.—(1) The Election Commission shall cause to be prepared in such manner as it may direct a record showing—

(*a*) the name of each candidate at every election ;
(*b*) the name of the election agent of each such candidate ;
(*c*) the date of each election ;
(*d*) the name of each constituency in which an election has been held ;
(*e*) the date on which the return of election expenses of each candidate in each such election has been lodged with the Returning Officer and the date by which such return ought to have been lodged, and
(*f*) whether the return of election expenses of each such candidate has been lodged in the manner required by the Act and these rules.

(2) The particulars required for the maintenance of the record mentioned above shall be furnished to the Election Commission by the Returning Officers concerned through the Chief Electoral Officer.

(3) The record shall be open to inspection by any person on payment of a fee of two rupees and attested copies of entries made therein shall be furnished to any person on payment of a fee of two rupees per copy of the entries relating to each candidate.

(4) The record of each election shall be maintained for six years from the date of such election.

(5) Separate records shall be maintained for general elections and bye-elections.

117. Maximum election expenses.—No expense shall be incurred or authorised by a candidate or his election agent on account of or in respect of the conduct and management of an election in any one constituency in a State in excess of the maximum amount specified in respect of that constituency in Schedule V.

118. Number of persons who may be employed for payment in connection with elections.—No person other than, or in addition to, those specified in Schedule VI shall be employed for payment by a candidate or his election agent in connection with an election.

PART III.

ELECTION PETITIONS.

119. Time within which an election petition shall be presented.—An election petition calling in question an election may,—

(*a*) in the case where such petition is against a returned candidate, be presented under section 81 at any time after the date of publication of the name of such candidate under section 67 but not later than fourteen days from the date of publication of the notice in the Official Gazette under rule 113 that the return of election expenses of such candidate and the declaration made in respect thereof have been lodged with the Returning Officer; and

(*b*) in the case where there are more returned candidates than one at an election and the election petition calls in question the election as a whole, be presented under the said section 81 at any time after the date of publication of the names of all the returned candidates under section 67 but not later than sixty days from the expiration of the time specified in sub-rule (1) of rule 112 for the lodging of the returns of election expenses of those candidates with the Returning Officer.

PART IV.

MISCELLANEOUS.

120. Seats in Parliament or a State Legislature when to become vacant in case of an election of the same person to more than one seat.—If a person is elected to more than one seat in either House of Parliament or in the House or either House of the Legislature of a State, then, unless within ten days from the date of publication in the Official Gazette under section 67 of the declarations containing the names of that person as having been so elected, or where such publication has been made on different dates, unless within ten days from the last of those dates, such person resigns all but one of the seats, all the said seats shall become vacant.

121. List of members of the State Legislative Assemblies and of the electoral colleges.—(1) The Returning Officer for an election by the elected members of the Legislative Assembly of a State to fill a seat or seats in the Council of States or for an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State shall maintain in his office a list of the elected members or a list of members, as the case may be, of that Assembly with their addresses corrected up to date in such form as the Election Commission may direct.

(2) The Returning Officer for an election by the members of the electoral college for a Part C State or a group of such States to fill a seat or seats in the Council of States shall maintain in his office a list of members of that electoral college with their addresses corrected up to date in such form as the Election Commission may direct.

122. Manner of serving the order of requisition, of premises vehicles, etc.—An order of requisition under section 160 shall be served—

(*a*) where the person to whom such order is addressed is a corporation or firm, in the manner provided for the service of summons in rule 2

of Order XXIX or rule 3 of order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure 1908, (Act V of 1908); and

(*b*) where the person to whom such order is addressed is an individual—

(i) personally by delivering or tendering the order, or

(ii) by registered post, or

(iii) where the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

123. Time within which an application for reference to arbitration is to be made under section 161.—The time within which any person interested who is aggrieved by the amount of compensation determined under sub-section (1) of section 161, or within which the owner of a vehicle, vessel or animal who is aggrieved by the amount of compensation determined under sub-section (2) of that section, may make an application for referring the matter to an arbitrator shall be fourteen days from the date of determination of the amount of such compensation.

SCHEDULE I.

[Rule 2(1)(a)].

FORM I.

FORM OF NOTICE.

(*Rule 3*)

Whereas the.....constituency of the House of the People / .....Legislative Assembly / .....Legislative Council / .....Electoral College has been called upon to elect a member (members) on or before.....

Whereas the elected members of.....Legislative Assembly / members of.....Electoral College / members of.....Legislative Assembly been called upon to elect a member (members) on or before.....to fill a seat (seats) in the Council of States / .....Legislative Council,

I, ...the Returning Officer of the said constituency / for the said election, do hereby give the following :—

Public Notice.

(i) The number of person(s) to be elected is.....*[of which one shall belong to the Scheduled Castes (and)/one shall belong to the Scheduled Tribes/who shall belong to the Scheduled Castes/ Scheduled Tribes].

(ii) Nomination papers may be delivered to the undersigned at his office at.....or, if he is unavoidably prevented from receiving the same to.....at.....They should be presented between 11 A.M. and 3 P.M. on or before.....(date).

(iii) Forms of nomination paper may be obtained at the offices of the persons abovementioned between the hours of.....(hour) and .....(hour) from.....(date) to.....(date).

(iv) The nomination papers will be taken up for scrutiny at.....(hours) on.....(date) in.....(place).

†(v) In the event of the election being contested, the poll will take place on.....between the hours of.....and...../the date or dates on which the poll will take place and the hours of polling will be notified separately.

Returning Officer.

Date.....

Address.....

* This will be omitted in the case of an election where the seat or any of the seats to be filled is not reserved for the Scheduled Castes or the Scheduled Tribes or for an autonomous district of Assam including an election in the constituency comprising the cantonment and municipality of Shillong.

† This will be omitted in the case of an election where votes will be recorded only by postal ballot.

FORM 2.

(Rule 3.)

Notice of nominations for election to the

House of the People
.....Legislative Assembly
.....Legislative Council
.....Electoral College

from.....constituency.

Council of States
.....Legislative Council

by the

elected members of.....Legislative Assembly
members of .....Electoral College
members of .....Legislative Assembly

received on.....up to 3 P.M.

Serial No.	Name of candidate	Father's or husband's name	Age	Address	*Where the candidate is a member of the Scheduled Castes or of the Scheduled Tribes, the particular caste or tribe to which the candidate belongs	Constituency in the electoral roll for which the name of the candidate is included and the ** serial number of the candidate in such roll	Name of proposer	** Serial No. of proposer in the electoral roll or in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Act in which his name is included	Name of seconder	** Serial No. of seconder in the electoral roll or in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Act in which his name is included

Returning Officer.

* This column is to be filled only in the case of a constituency where the seat or any of the seats to be filled is reserved for the Scheduled Castes or for the Scheduled Tribes or in the case of a constituency where any seat is reserved for an autonomous district of Assam other than the constituency comprising the cantonment and municipality of Shillong. In other cases, this column should be struck out.

** Where the electoral roll is sub-divided into parts and separate serial numbers are assigned to the electors entered in each part, a description of the part in which the name of the person concerned is entered is also to be given here.

FORM 3.

[*Rule 9(1)*.]

FORM OF NOTICE OF WITHDRAWAL.

To

The Returning Officer

for.....constituency of the *House of the People / .....Legislative Assembly / .....Legislative Council / .....Electoral College

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for the election to the *Council of States / .....Legislative Council by the

*elected members of.....Legislative Assembly / members of.....Electoral College / members of.....Legislative Assembly.

I, ..., of.....a candidate nominated at the *election in the above constituency / above election do hereby give notice that I withdraw my candidature.

Dated this.....day of.....195

Place.....

Signature of candidate.

This notice of withdrawal was delivered to me at my office at.....(hour) on .....(date) by.....the candidate/the candidate's proposer/seconder/election agent who has been authorised in writing by the candidate to deliver it.

Returning Officer. / Assistant Returning Officer.

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* Only the appropriate alternatives should be used.

FORM 4.

[*Rule 9(2).*]

NOTICE OF WITHDRAWAL OF CANDIDATURES.

Notice(s) of withdrawal of candidature(s) for election to the

House of the People
.....Legislative Assembly
.....Legislative Council
.....Electoral College

from.....constituency.

Council of States
.....Legislative Council by the

elected members of.....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly.

has (have) been received on.....from

the following candidate
each of the following candidates

Name(s) of candidate(s) :—

1.

2. etc. .....

Returning Officer.

Date.....

FORM 5.

[*Rules 10(3) and 11.*

Election to the House of the People / .....Legislative Assembly / ..... Legislative Council / ..... Electoral College from.....constituency.

Election to the Council of States / .....Legislative Council by the

elected members of.....Legislative Assembly
members of .....Electoral College
members of.....Legislative Assembly

List of valid nominations.

FINAL LIST OF CANDIDATES FOR ELECTION.

Serial No.	Name of candidate	Address of candidate	*Symbol assigned to the candidate, if any
1.			
2.			
3.			
4.			
etc.			

NOTE.—**1. The poll will be taken between the hours of.....and..... on.....(date or dates) at the polling stations/place fixed for the poll to be notified separately.

***2. The candidates whose names are marked with † are members of the Scheduled Castes and the candidates whose names are marked with ‡ are members of the Scheduled Tribes.

Place.....

Date.....

Returning Officer.

*This column will be omitted in the case of an election in a Council constituency or an election (other than a primary election) to fill a seat or seats in the Council of States or an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State.

**This note will be omitted in the case of an election where votes will be recorded only by postal ballot.

***This note will be omitted where the seats to be filled do not include one or more seats reserved for the Scheduled Castes or for the Scheduled Tribes.

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FORM 6.

[*Rules 12(1), 13(1), 14(4) and 15(2).*]

*Election to the *House of the People / .....Legislative Assembly / ..... Legislative Council / ..... Electoral College from.....Constituency.

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*Election to the *Council of States / Legislative Council by the

*elected members of.....Legislative Assembly
members of .....Electoral College
members of .....Legislative Assembly.

APPOINTMENT OF *POLLING / COUNTING AGENT

To

*The Returning Officer *for.....Constituency. / for the aforesaid election.

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*The Presiding Officer of.....polling station.

I, ... *a candidate / the election agent of.....who is a candidate at the present election, do hereby give notice that I have appointed .....

.....as a *polling / counting agent to attend

*the polling station..... / the polling booth No.....at the polling station..... / *the place fixed for the poll. / at the counting of votes.

Date..... Signature of *candidate. / election agent.

I agree to act as such *polling / counting agent.

Signature of *polling / counting agent.

Date.....

*Declaration of *polling/counting agent to be signed before the *Presiding/Returning Officer.*

I hereby declare that I will not at this election *for..... constituency*/by *the elected member/members of.....Legislative Assembly / members of.....Electoral College do anything forbidden by section 128 of the Representation of the People Act, 1951, which I have read/which has been read over to me.

Signature of *polling/counting agent

Date.....

Signed before me.

*Presiding Officer. / Returning Officer.

Date.....

*Only the appropriate alternative should be used.

SECTION 128 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951.

128. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

FORM 7.

[*Rule 29(2).*]

FORM OF TENDERED BALLOT PAPER.

House of the People / .....Legislative Assembly / .....Electoral College

Election for.....constituency.....19.....
Polling station.....
No. of polling booth, if any.....
Name of elector.....
Serial number of the elector in the electoral roll.....
The village or town included in the electoral area to which the elector belongs.....
Name or names of candidate or candidates for whom this is tendered .....1.....
2.....
etc.

Date.....

Signature of the Presiding Officer.

FORM 8.

[*Rules* 29(3) *and* 62(3)].

TENDERED VOTES LIST.

Election to the .....House of the People. / .....Legislative Assembly..... ...19..... / .... Electoral College / .....Legislative Council.

.....Constituency.

Polling station ....

No. of polling booth, if any..... .....

Serial No. of the entry	Name of elector	Serial No. of the elector in the electoral roll	Address of the elector	Signature or thumb impression of the elector
1	2	3	4	5

Date.....

Signature of the Presiding Officer.

FORM 9.

[*Rule* 30(1)].

LIST OF CHALLENGED VOTES.

Election to the ....House of the People. / .....Legislative Assembly..... 19 ..... / .....Electoral College / .....Legislative Council.

.....Constituency.

Polling station ....

No. of polling booth, if any .....

Serial No. of entry	Name	Serial No. in electoral roll	Signature or thumb impression of the elector and his address	Name of identifier, if any	Name of person challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of challenger acknowledging receipt of deposit when deposit is returned

Date.....

Signature of the Presiding Officer

47

FORM 10

(*Rule* 33)

BALLOT PAPER ACCOUNT

Election to the .....House of the People / Legislative Assembly / .....Electoral College / .....Legislative Council / .....Constituency ..... 19.....

Polling station .....

	Ordinary ballot papers	Tendered ballot papers
*1. Number of ballot papers received by the Presiding Officer at the polling station or if the polling station has more than one booth, at each booth.		
2. Total number of ballot papers received by the Presiding Officer at the polling station where the polling station has more than one booth.		
3. Number of unused ballot papers returned.		
4. Number of ballot papers cancelled under rule 31 or sub-rule (1) or sub-rule (2) of rule 79.		
5. Number of tendered ballot papers used.		
6. Number of ballot papers in ballot boxes.		

Date..... Signature of the Presiding Officer.

NOTE.—If a polling station has more than one polling booth, a separate account in this form (omitting item 2) shall be attached to this account in respect of each such polling booth.

*The serial numbers of ballot papers received at the polling station are as follows :— / at each polling booth are as follows :—

Polling booth No. 1.....

Polling booth No. 2.....

etc.

Date..... Signature of the Presiding Officer

49

FORM 11

[*Rule* 38(1)]

FORM OF BALLOT PAPER

Counterfoil

House of the People

.....Legislative Assembly

.....Electoral College

Election for.....

Constituency, ..., 19 .....

Serial No. of Ballot Paper .....

Name of elector.....

Serial number of elector in the electoral roll.....

Outerfoil

Front

House of the People

.....Legislative Assembly

.....Electoral College

Election for.....

Constituency, ..., 19.....

Names of Candidates	Mark

Instructions

1. The number of candidates for whom the elector may vote is.....

2. Not more than one vote may be given to a candidate.

3. Votes shall be recorded by placing a mark on the ballot paper opposite the name (or names) of the candidate (or candidates) for whom the elector wishes to vote. Please also see further instructions in the accompanying letter.

4. An elector shall obtain, the attestation of his signature on the back of this form—

(*a*) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband, as the case may be, is employed ;

(*b*) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (*a*) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government ;

(*c*) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such

person, by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident ;

(*d*) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate ;

(*e*) in the case where the elector is a person who has been permitted under sub-rule (2) of rule 37 to give his vote by postal ballot, by a magistrate.

5. The attesting officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the attesting officer.

(*Form of back of outerfoil of ballot paper*).

Serial No. of ballot paper.....

I hereby declare that I am the person whose name appears as elector No. ..... on the electoral roll for ... .constituency, and that I have not voted in this constituency in any other manner *[and that at this general election I have not voted in any other Parliamentary/Assembly/Council of States constituency].

Signature of elector,
Address.....

Date.... ....

(Fold on this line)

Signed in my presence by..... .....who is personally known to me [or who has been identified to my satisfaction by—
Name.....
Address ....]

Signature of Attesting Officer,
Designation ... .
Address ....

Date.....

*To be struck off in the case of a bye-election.

FORM 12

[*Rule* 38(2)]

ELECTION—URGENT.

FORM OF COVER

House of the People

Election to the .....Legislative Assembly.....19.....

.....Electoral College

Constituency.....

To

The Returning Officer,
.....Constituency.

No. .....

(Address)

51

FORM 13

[*Rule* 38(2)(*c*)]

Form of Letter of Intimation

Election to the House of the People / .....Legislative Assembly / .....Electoral College .....19.....

.....Constituency.

Dear Sir/Madam,

1. The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the House of the People/..... .....Legislative Assembly/.....Electoral College. Should you desire to vote at this election, I have to request that—

(*a*) you will record your vote by placing a mark on the ballot paper opposite the name (or names) of the candidate (or candidates) for whom you wish to vote ;

(*b*) you shall not give more than one vote to a candidate ;

(*c*) you will sign the declaration on the back of the ballot paper in the presence of an attesting officer who shall attest only your signature but not your vote which you should not record in the presence of the attesting officer ;

(*d*) you will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post or by messenger so as to reach me before 5 P.M. on the.....day of.....19.....

2. The number of members to be elected is.....

3. Covers returned by post on which the postage has not been pre-paid will not be received by me.

4. The officers who are empowered to attest ballot papers have been specified in the instructions set out on the ballot paper.

5. Rule 41 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, provides that if an elector is illiterate or is unable through physical incapacity from recording his vote and signing the declaration on the back of the ballot paper, he may make his declaration and record his vote by the hand of an officer referred to in paragraph 4 above who is empowered to attest his signature and such elector may for this purpose deliver his ballot paper together with the envelope and the cover sent with this letter to such officer and request him to sign the declaration on the back of the ballot paper and to mark the ballot paper for such elector. The said rule further provides that such officer—

(*a*) shall on being so requested by the elector certify on the back of the ballot paper the elector's incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to mark the ballot paper for him and that he has put the mark or marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector, and

(*b*) shall thereupon place the marked ballot paper in the envelope mentioned above and close the same and enclose it in the cover referred to above and seal it and hand over the sealed cover to the elector and the elector shall then send it forthwith to the Returning Officer in accordance with the instructions contained in clause (*d*) of paragraph 1 of this letter.

6. Rule 47 of the aforesaid Rules, provides as follows :—

"A postal ballot paper which is not duly marked or on which more than one mark is placed against any candidate's name or on which votes are given to more candidates than there are members to be elected, or on which a mark is placed in such a manner as to make it doubtful to which candidate it has been given or on which the signature of the elector is not duly attested shall be invalid :

Provided that in the case of a plural member constituency where more than one vote can be given on the same ballot paper, if any vote is given by a mark which has not been duly made or by placing more than one mark against any candidate's name or if any of the marks is so placed as to render it doubtful to which candidate it has been given, only the vote concerned, but not the whole ballot paper, shall be invalid on that account."

7. Your number on the electoral roll for.....constituency is.....
You should insert this number in the declaration on the back of the ballot paper.

Yours faithfully,

Returning Officer.

Address.....

Date.....

FORM 14

(*Rule* 46)

Form of Account of Ballot Papers

House of the People

.....Legislative Assembly

.....Electoral College

Election for.....Constituency, 19.....

Name of candidate.....

Serial No. of entry	Name of the polling station at which the ballot box was used	No. of polling booth, if any, at which the ballot box was used	Number of valid ballot papers in the ballot box used at each polling station or polling booth

Total number of valid votes recorded in ballot papers contained in the ballot boxes...
Total number of valid votes recorded on postal ballot papers.....
Total votes polled.....

Date.....

Signature of Returning Officer.

FORM 15

[*Rule* 46(1) (vii)]

FORM OF RECORD OF REJECTED BALLOT PAPERS

House of the People
.....Legislative Assembly
.....Electoral College
Election for.....Constituency.....19.....

Serial No. of entry	Serial No. of ballot paper	No. and distinguishing mark of the ballot box in which it was found	Name of the candidate in whose ballot box it was found	Brief grounds for rejection

Date..... Signature of Returning Officer.

FORM 16

(*Rule* 50)

FORM OF RETURN OF ELECTION

House of the People
.....Legislative Assembly
.....Electoral College
Election for.....Constituency.....19.....

Name of candidate	Number of valid votes given for the candidate
1	2
(1)	
(2)	
etc.	
etc.	

Total number of valid votes.....
Total number of invalid votes.....
Total number of tendered votes.....
The result of the verification referred to in rule 49 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.....

I declare that—
(1) (Name).....
(Address).....
(2) (Name).....
(Address).....
etc.....
.....has/have been duly elected.
*[and that.....has been duly elected to the seat reserved for the Scheduled Castes
Scheduled Tribes
Dated the.....day of.....19

(Signature)
Returning Officer.

*To be omitted if not necessary.

is employed ;

FORM 17 54

(*Rule* 57)

FORM OF BALLOT PAPER

Counterfoil

.....Legislative Council.

Election for.....Local Authorities' / Graduates' / Teachers'

Constituency.....19.....

Serial No. of ballot paper.....

Name of polling station.....

Serial number of elector in the elector roll....

Outerfoil.

Front.

.....Legislative Council.

Election for.....Local Authorities' / Graduates' / Teachers'

Constituency.....19.....

Names of candidates	Mark order of preference

Instructions

1. The number of members to be elected is.....

2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *[although there are more members than one to be elected].

3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, *i.e.*, 2, 3, 4, etc.

4. Do not place more than one figure opposite the name of any candidate.

---

*To be deleted when only one member is to be elected.

Back of outerfoil of ballot paper

Serial No.

FORM 18

[*Rule* 65(1)]

Form of Ballot Paper

Counterfoil

.....Legislative Council.
Election for.....Local Authorities' / Graduates' / Teachers'

Constituency.....19.....

Serial No. of ballot paper.....

Name of elector.....

Serial number of elector in the electoral roll.

Outerfoil.

Front

.....Legislative Council
Election for.....Local Authorities' / Graduates' / Teachers'

Constituency.....19.....

Names of candidates	Mark order of preference

Instructions.

1. The number of members to be elected is.....

2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *[although there are more members than one to be elected].

3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, *i.e.*, 2, 3, 4, etc.

4. Do not place more than one figure opposite the name of any candidate. Please also see further instructions in the accompanying letter.

5. An elector shall obtain the attestation of his signature on the back of this form—

(*a*) in the case where the elector is a member of the Armed Forces of the Union or the wife of any such member, by such officer as has been appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the elector or her husband as the case may be, is employed ;

(*b*) in the case where the elector is a person holding any such office as is referred to in sub-clause (ii) of clause (*a*) of section 60 of the Representation of the People Act, 1951, or the wife of such person, by an officer not below the rank of a Deputy Secretary to Government.

(*c*) in the case where the elector is a person employed under the Government of India in a post outside India or the wife of such person, by such officer as has been appointed in this behalf by the diplomatic or consular representative of India in the country in which such elector is resident ;

(*d*) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention, or by a magistrate ;

(*e*) in all other cases, by a magistrate, or by any of the following persons who have been notified in this behalf by the Election Commission, namely :—

.....

.....

.....

6. The attesting officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the attesting officer.

---

*To be deleted when only one member is to be elected.

(*Form of back of outerfoil of ballot paper*)

Serial No. of ballot paper.....

I hereby declare that I am the person whose name appears as elector No..... on the electoral roll for.....constituency.

Signature of elector

Address.....

Date.....

(Fold on this line)

Signed in my presence by.....who is personally known to me [or who has been identified to my satisfaction by—

Name.....

Address.....]

Signature of Attesting Officer,

Designation.....

Date.....

Address.....

FORM 19

Form of Cover

ELECTION—URGENT

[*Rule* 65(2)]

Election to the.....Legislative Council.....19.....

Constituency.....

To

The Returning Officer,

.....Constituency.

No..... (Address)

FORM 20

Form of Letter of Intimation

[*Rule* 65 (2) (*c*)]

Election to the.....Legislative Council.....19.....

.....Constituency.

Dear Sir/Madam,

1. The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the.....Legislative Council. Should you desire to vote at this election, I have to request that—

(*a*) you will record your vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote, and you shall not place the figure 1 opposite the name of more than one candidate *[although there are more members than one to be elected] ;

(*b*) you may in addition indicate your preference as regards the other candidates by putting in the spaces opposite their names the figure of the order in which you classify them, *i.e.*, 2, 3, 4, etc., but you shall not place more than one figure opposite the name of any candidate ;

(*c*) you will sign the declaration on the back of the ballot paper in the presence of an attesting officer who shall attest only your signature but not your vote which you should not record in the presence of the attesting officer ; and

(*d*) you will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post or by messenger so as to reach me before 5 P.M. on the.....day of.....19.....

2. The number of members to be elected is.....

3. Covers returned by post on which the postage has not been pre-paid will not be received by me.

4. The attesting officers who are empowered to attest ballot papers have been specified in the instructions set out on the ballot paper.

5. Rule 68 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, provides that if an elector is unable through physical incapacity from recording his vote and signing the declaration on the back of the ballot paper, he may make his declaration and record his vote by the hand of an attesting officer empowered to attest his signature and such elector may for this purpose deliver his ballot paper together with the envelope and the cover sent with this letter to such attesting officer and request him to sign the declaration on the back of the ballot paper and to record the vote on the ballot paper for him. The said rule further provides that such attesting officer—

(*a*) shall on being so requested by the elector certify on the back of the ballot paper the electors' incapacity and shall attest the fact that he was requested by the elector to sign the declaration on the back of the ballot paper and to record the vote on the ballot paper for him and that he has put the marks on the ballot paper in accordance with the wishes of the elector and that the ballot paper was so signed and marked by him in the presence of the elector, and

(*b*) shall thereupon place the marked ballot paper in the envelope mentioned above and close the same and enclose it in the cover referred to above and seal it and hand over the sealed cover to the elector and the elector shall then send it to the Returning Officer in accordance with the instructions contained in clause (*d*) of paragraph 1 of this letter.

6. Rule 92 of the aforesaid rules provides that any ballot paper on which the figure 1 is not marked, or on which the figure 1 is set opposite the name of more than one candidate, or is so placed as to render if doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figure are set opposite the name of the same candidate, or on which any mark is made by which the elector may afterwards be identified, or on which the signature of the elector is not duly attested, shall be invalid.

7. Your number on the electoral roll for.....constituency is..... You should insert this number in the declaration on the back of the ballot paper.

Yours faithfully,

Returning Officer.

Address.....

Date.....

*To be deleted when only one member is to be elected.

FORM 21

FORM OF BALLOT PAPER

(*Rule* 77)

Counterfoil

Council of States
.....Legislative Council
elected members of.....Legislative Assembly
Election by the members of... .....Electoral College
members of.....Legislative Assembly
.....19 .

Serial No. of ballot paper.....

Number of elector in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....

Outerfoil
Front

Council of States
.....Legislative Council
elected members of.....Legislative Assembly
Election by the members of.....Electoral College
members of.....Legislative Assembly
.....19 .

Name of candidate	Mark order of preference

Instructions

1. The number of members to be elected is.....

2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *(although there are more members than one to be elected).

3. As regards the other candidate you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them *e.i.*, 2, 3, 4, etc.

4. Do not place more than one figure opposite the name of any candidate.

*To be deleted when only one member is to be elected.

Back of outerfoil of ballot paper.

Serial No. of ballot paper

59

FORM 22

Form of Ballot Paper

[*Rule* 84 (1)]

Counterfoil

Council of States
.....Legislative Council

Election by the elected members of.....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly

.....19

Serial No. of ballot paper.....

Name of elector.....

Number of elector in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....

Outerfoil

Front

Council of States
.....Legislative Council

Election by the elected members of.....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly

.....19

Names of candidates	Mark order of preference

Instructions

1. The number of members to be elected is.....

2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of one candidate only *[although there are more members than one to be elected].

3. As regards the other candidates you may indicate your preference by putting in the spaces opposite their names the figure of the order in which you would classify them, *i.e.*, 2, 3, 4, etc.

60

4. Do not place more than one figure opposite the name of any candidate. Please also see further instructions in the accompany letter.

5. Ballot papers are to be attested by a magistrate or by any of the following officers who have been notified in this behalf by the Election Commission, namely :—

.....

.....

.....

6. The Attesting Officer shall attest the signature of an elector but not his vote which should not be recorded in the presence of the Attesting Officer.

---

*To be deleted when only one member is to be elected.

(Form of back of outerfoil of ballot paper.)

Serial No. of ballot paper.....

I hereby declare that I am the person whose name appears as elected members of .....Legislative Assembly elector

No. .....in the list of members of.....Electoral College

members of .....Legislative Assembly

maintained under sub-section (1)/sub-section (2) of section 152 of the Representation of the People Act, 1951.

Signature of elector.....

Date..... Address .....

(Fold on this line).

Signed in my presence by.....who is personally known to me [or who has been identified to my satisfaction by—

Name .....

Address.....]

Signature of Attesting Officer.

Designation.....

Date..... Address .....

FORM 23.

FORM OF COVER.

[*Rule 84(2)*.]

ELECTION—URGENT.

Council of States
.....Legislative Council.

Election by the elected members of .....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly

.....19 .

To

The Returning Officer for the aforesaid Election.

No.

(Address

FORM 24.

FORM OF LETTER OF INTIMATION.

[*Rule 84(2)(c)*.]

Election to the Council of States
.....Legislative Council by the

elected members of.....Legislative Assembly
Members of.....Electoral College 19
members of .....Legislative Assembly

Dear Sir/Madam,

1. The persons whose names are printed on the ballot paper sent herewith have been nominated as candidates for the election to the Council of States/..... Legislative Council. Should you desire to vote at this election, I have to request that—

(*a*) you will record your vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote, and you shall not place the figure 1 opposite the name of more than one candidate *[although there are more members than one to be elected];

*To be deleted when only one member is to be elected.

(*b*) you may in addition indicate your preference as regards the other candidates by putting in the spaces opposite their names the figure of the order in which you classify them. *i.e.*, 2, 3, 4, etc., but you shall not place more than one figure opposite the name of any candidate ;

(*c*) you will sign the declaration on the back of the ballot paper in the presence of an attesting officer who shall attest only your signature but not your vote which you should not record in the presence of the attesting officer ; and

(*d*) you will then place the ballot paper in the envelope sent with this letter and close it up and enclose the envelope in the cover addressed to me and return the cover to me by pre-paid post or by messenger so as to reach me before 5 P.M. on the.....day of.....19 .

2. The number of members to be elected is .....

3. Covers returned by post on which the postage has not been pre-paid will not be received by me.

4. The officers who are empowered to attest ballot papers have been specified in the instructions set out on the ballot paper.

5. Rule 92 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, provides that any ballot paper on which the figure 1 is not marked, or on which the figure 1 is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figure are set opposite the name of the same candidate, or on which any mark is made by which the elector may afterwards be identified, or on which the signature of the elector is not duly attested, shall be invalid.

6. Your number in the list of elected member/members of.....Legislative Assembly members of .... Electoral College

maintained under sub-section (1)/sub-section (2) of section 152 of the Representation of the People Act, 1951, is ..... You should insert this number in the declaration on the back of the ballot paper.

Yours faithfully,

Returning Officer.

Address.....

Date.....

FORM 25

FORM OF RETURN OF ELECTION

[*Rule* 106]

Council of States
.....Legislative Council.

.....Constituency ..... 19 .....

Election by the { elected members of.....Legislative Assembly
members of.....Electoral College
members of.....Legislative Assembly

..... 19 .....

Name of candidate	Number of valid votes given to the candidate.
1	2
(1)	
(2)	
Etc.	
Etc.	

Total number of valid votes .....
Total number of invalid votes .....
Total number of tendered votes .....

* The result of the verification referred to in rule 105 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951.....
.....

I declare that

(1) (Name) .....
(Address).....
(2) (Name) .....
(Address).....
Etc. .....

.....has/have been duly elected.

(Signature)
Returning Officer

Dated the.....day of.....19 .

* To be filled only in the case of an election in a Council constituency where the method of voting by ballot boxes has been followed.

FORM 26

FORM OF RETURN OF ELECTION EXPENSES

[*Rule* 112(2)]

Election to the House of the People / .....Legislative Assembly / .....Legislative Council / .....Electoral College .....19.....

.....Constituency.

Election to the Council of States / .....Legislative Council / elected members of.....Legislative Assembly / members of.....Electoral College.....19 / members of.....Legislative Assembly.

1. Receipts.—Including all moneys, securities and equivalents of money received from any person (including the candidates himself), club, society, or association in respect of any expenses, whether paid or remaining unpaid, incurred on account of, or in connection with, or incidental to the election. The name of each such person etc., and the amount received shall be shown separately :—

Date of receipt	Name and description of Payer	Amount or value
	Total ...	

2. Expenses.—Including all payments made by the candidate or by his election agent or by any person on behalf of, or in the interests of, the candidate in respect of any expenses incurred on account of or in connection with or incidental to the election, and all unpaid claims in respect of any such expenses of which the candidate or his election agent is aware :—

N.B.—(1) Vouchers shall be attached to the return for all items of expenditure amounting to Rs. 5 and over, unless from the nature of the case a receipt cannot be obtained ; the vouchers shall be numbered and arranged in serial order and the number of the vouchers entered in the return against the item of expenditure.

(2) Each payment made shall be entered separately, except payments on account of postage and telegrams for which lumpsums may be shown. The name and description of each person paid and the work done or the nature of the goods supplied shall be shown in respect of each payment.

Part A.—In this Part shall be shown the personal expenditure of the candidate incurred or paid by him or by his election agent on his behalf, including all payments for personal services rendered, for hotel bills, for travelling expenses and for the purchase of books or election literature.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount unpaid
			Total ...		

Part B.—In this Part shall be shown expenditure incurred by the candidate or his election agent for the remuneration of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger employed and the rate of remuneration and the amount paid to each shall be shown separately.

Name and description of payee	On what account	Rate of payment	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
				Total ...		

Part C.—In this Part shall be shown all other expenditure (including travelling expenses and cost of refreshment provided) incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers. The name and description of each agent, clerk or messenger and the amount paid to each shall be shown.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
			Total ...		

Part D.—In this Part shall be shown the travelling expenses of persons (not being agents, clerks or messengers) whether in receipt of salary or not, incurred or paid by the candidate, his election agent or the person so travelling.

Name and description of payee	On what account	Date of payment	Voucher No.	Amount paid	Amount remaining unpaid
				Total ...	

Part E.—In this Part the cost of printing shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
				Total ...	

Part F.—In this Part the cost of advertising shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
				Total ...	

Part G.—In this Part the cost of stationery shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
				Total ...	

Part H.—In this Part the cost of postage and telegrams may be shown in umpsums.

Expenditure incurred	Date of payment, if separate payments are shown	Amount paid
	Total ...	

Part I.—In this Part the cost of rooms hired for public meetings or as an office shall be shown.

[A room hired for a public meeting or as an office must be named or described so as to identify it; and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out separately.]

Name and description of payee	Locality and description of rooms	Date of payment	Voucher No.	Amount paid	Amount unpaid
				Total ...	

Part J.—In this Part shall be included every disputed claim remaining unpaid.

Name and description of claimant	Nature and alleged ground of claim	Amount of claim
	Total ...	

Part K.—In this Part all expenditure incurred and payments made by the candidate or by his election agent or by any person on behalf of or in the interest of the candidate in connection with the election and not included in any of the foregoing parts shall be shown.

Name and description of payee	On what account	Date of payment, if any	Voucher No.	Amount paid	Amount unpaid
				Total ...	

Part L.—In this Part the total expenditure incurred under each of the previous parts shall be shown.

Part	Paid	Unpaid	Total
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			
Total			

Date..... Signature of the candidate.
Date.....Signature of the election agent of the candidate.

To be filled up by the Returning Officer.

Date by which the return ought to nave been lodged.....
Date on which the return has been lodged.....
Date..... Signature of the Returning Officer.

I have examined the above return and in my opinion it has/has not been lodged in the manner required.

Signature of the Returning Officer.
Date.....

SCHEDULE II

Nomination Paper

(*Rule 4*)

Election to the House of the People / .....Legislative Council / .....Legislative Assembly / .....Electoral College .....19.....

Election to the Council of States / .....Legislative Council / elected members of.....Legislative Assembly / members of.....Electoral College / members of.....Legislative Assembly by the .....19.....

1. Name of the constituency.....
2. Name of candidate.....
3. Father's/Husband's name.....
4. Age.....
5. Address.....
6. If the candidate is a member of the Scheduled Castes or of the Scheduled Tribes or of a tribe in any autonomous district of Assam, state the particular caste or tribe, and the area in relation to which such caste or tribe is one of the Scheduled Castes or Scheduled Tribes, as the case may be.....
7. Constituency in the electoral roll of which the name of the candidate is included.....
8. Serial number of the candidate in the electoral roll of the constituency in which his name is included.....
9. Name of the proposer.....
10. Serial number of the proposer in the electoral roll of the constituency.....
11. Number of the proposer in the list maintained under sub-section (1) or sub-section (2) of the section 152 of the Representation of the People Act, 1951.....
12. Signature of the proposer.....
13. Name of the seconder.....
14. Serial number of the seconder in the electoral roll of the constituency.....
15. Number of the seconder in the list maintained under sub-section (1) or sub-section (2) of section 152 of the Representation of the People Act, 1951.....
16. Signature of the seconder .....

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date..... Signature of candidate.

*Appointment of Election Agent.**

I hereby declare that I have appointed son of.....of..... to be my election agent. myself as my

Date..... Signature of candidate.

Declaration as to choice of symbols.†

I do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference :—

1.....
2.....
3.....

Date..... Signature of candidate.

Declaration by a candidate who is a member of any of the Scheduled Castes or of any of the Scheduled Tribes.‡

§I hereby declare that I am a member of the.....Caste/Tribe which has been declared to be a Scheduled Caste/Tribe in the State of...../ district of.....in the State of.....

Date..... Signature of candidate.

Verification by a Magistrate.

Solemnly affirmed before me by.....who is personally known to me (or who has heen identified to my satisfaction by—

Name.....
Address.....)

Signature of Magistrate.
Full designation.....

Seal of the Magistrate. Date.....

Certificate of delivery.

Serial No.....

This nomination paper was delivered to me at my office, at (date and hour) .....by the candidate/proposer/seconder.

Returning Officer
Assistant Returning Officer.

Certificate of Scrutiny.

I have scrutinised the eligibility of the candidate, the proposer and the seconder, and find that they are respectively qualified to stand for election, to propose and to second the nomination.

Returning Officer
Assistant Returning Officer.

**The symbol assigned to the candidate is . . . . . .

Returning Officer
Assistant Returning Officer.

NOTE.—(1) This nomination paper will not be valid unless it is delivered to the Returning Officer or to an Assistant Returning Officer authorised to receive it, at the place specified in this behalf in the notice issued by the Returning Officer under section 31 of section 39(3), as the case may be, of the Representation of the People Act, 1951, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon on any day before the.....195 .

(2) Items Nos. 1, 7, 8, 10 and 14 need not be filled in the case of an election (other than a primary election) to fill a seat or seats in the Council of States or an election by the members of the Legislative Assembly of a State to fill a seat or seats in the Legislative Council of the State.

(3) In item No. 3 the inappropriate alternative should be struck off. Husband's name is to be filled in all cases where the candidate is a married woman or a widow.

(4) Item No. 6 is to be filled only in the case of an elector in a Parliamentary or Assembly constituency where the seats or any of the seats to be filled is reserved for the Scheduled Castes or for the Scheduled Tribes or where any seat is reserved for an autonomous district of Assam other than the constituency comprising the cantonment and municipality of Shillong.

(5) Items Nos. 11 and 15 are not to be filled in the case of a Parliamentary constituency or an Assembly constituency or a Council of States constituency or a Council constituency.

(6) Where the electoral roll is sub-divided into parts and separate serial numbers are assigned to the electors entered in each part, a description of the part in which the name of the person concerned is entered must also be given in items Nos. 8, 10 and 14.

*Only one election agent is to be appointed by a candidate. If more than one nomination paper is delivered by or on behalf of a candidate for election in the same constituency, the name of the election agent so appointed, whether such agent is the candidate himself or any other person, shall be specified in each such nomination paper.

†This declaration is to be filled only in the case of a candidate at an election in a Parliamentary constituency or an Assembly constituency or a Council of States constituency.

‡This declaration and this verification are necessary in the case of an election in a Parliamentary or Assembly constituency where the seat or any of the seats to be filled is reserved for the Scheduled Castes or for the Scheduled Tribes or where any seat is reserved for an autonomous district of Assam other than the constituency comprising the cantonment and the municipality of Shillong.

§Any person who makes a false declaration or gives information which he knows or believes to be false, or does not believe to be true, is liable to be punished under section 191 and/or section 182 of the Indian Penal Code.

**This should be struck off in the case where the candidate is not a candidate for election in a Parliamentary constituency or an Assembly constituency or a Council of States constituency.

SCHEDULE III.

[*Rule* 104]

Illustration of the procedure as to the counting of votes at, and the declaration of the result of, an election conducted on the system of the single transferable vote in accordance with the provisions of Chapter VI of Part II.

Let it be assumed that there are five members to be elected, and that there are ten candidates, A, B, C, D, E, F, G, H, I and K.

The ballot papers are examined, and the valid papers are arranged in separate parcels under names of the candidates marked with the figure I.

Each separate parcel is counted, and each candidate is credited with one vote in respect of each paper on which a first preference has been recorded for him.

The result of the count may be supposed to be as follows :—

			Vote.
A	...	...	2,009
B	...	...	952
C	...	...	939
D	...	...	746
E	...	...	493
F	...	...	341
G	...	...	157
H	...	...	152
I	...	...	118
K	...	...	93
	Total	...	6,000

The Quota.

It is found that the total of all the valid votes is 6,000. This total is divided by six (*i.e.*, the number which exceeds by one the number of vacancies to be filled) and 1,001 (*i.e.*, the quotient 1,000 increased by one) is the "quota" or the number of votes sufficient to elect a member.

A's votes exceed the quota, and he is declared elected.

First Transfer.

A has 1,008 surplus votes (*i.e.*, A's total 2,009, less the quota 1,001), and it is necessary to transfer this surplus.

All A's 2,009 papers are examined and arranged in separate sub-parcels according to the second preferences indicated thereon.

A separate sub-parcel is also formed of those papers on which no further available preference, *i.e.*, no further preference for any continuing candidate, is shown, and which are therefore not transferable. The result is found to be as follows :—

			Papers.
A next available preference is shown for	D on	...	257
Do	E on	...	11
Do	F on	...	28
Do	G on	...	1,708
Total of transferable papers	...	...	2,004
Total of non-transferable papers	...	...	5
Total of A's papers		...	2,009

Since the total number of transferable papers (2,004) exceeds the surplus (1,008), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcel as that which the surplus bears to the total number of transferable papers.

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 1,008 (the surplus) and dividing the result by 2,004 (the total number of tranferable papers).

The process is as follows :—

D's sub-parcel contains 257 papers, and his share of the surplus is therefore—

$$257 \times \frac{1{,}008}{2{,}004} \text{ or } 129\frac{540}{2{,}004}$$

E's sub-parcel contains 11 papers, and his share of the surplus is therefore—

$$11 \times \frac{1{,}008}{2{,}004} \text{ or } 5\frac{1{,}068}{2{,}004}$$

F's sub-parcel contains 28 papers, and his share of the surplus is therefore—

$$28 \times \frac{1{,}008}{2{,}004} \text{ or } 14\frac{168}{2{,}004}$$

G's sub-parcel contains 1,708 papers, and his share of the surplus is therefore—

$$1{,}708 \times \frac{1{,}008}{2{,}004} \text{ or } 859\frac{228}{2{,}004}$$

Total ... 1,008

The numbers of papers to be transferred as determined by the preceding process contain fractions, and, since, only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude, as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus, as the whole numbers determined above amount to only 1,007, *viz*, (129+5+14+859), or one short of the surplus, 1,008, the largest fraction

$$\frac{1{,}068}{2{,}004}$$

is reckoned as unity, and the numbers of papers to be transferred are as follows :—

To D	...	...	129 papers
To E	...	...	6 papers
To F	...	...	14 papers
To G	...	...	859 papers
Total, being A's surplus		...	1,008 papers

The particular papers to be transferred to D, E, F and G are those last filed in their respective sub-parcels, and I, therefore, at the top of the sub-parcels. The papers to be transferred are to be marked so as to indicate the candidates from and to whom the transfer is made.

These papers are added in separate sub-parcels to the parcels of D, E, F, and G. The totals of the votes credited to these candidates then become :—

						Vote.
D	...	...	746	+ 129	=	875
E	...	...	493	+ 6	=	499
F	...	...	341	+ 14	=	355
G	...	...	157	+ 859	=	1,016

The remainder of the papers in the sub-parcels (*i.e.*, those papers not transferred), together with the papers on which no further available preferences were marked, are collected together and formed into one parcel, representing A's quota of votes (1,001), and these papers are set aside as finally dealt with. The parcel is made up as follows :—

The remainder of D's sub-parcel	...	257 less 129	=	128
The remainder of E's sub-parcel	...	11 less 6	=	5
The remainder of F's sub-parcel	...	28 less 14	=	14
The remainder of G's sub-parcel	...	1,708 less 859	=	849
Non-transferable papers	...			5
Total, being A's quota	...	...		1,001

The operations involved in this transfer are summarised in the following table :—

TRANSFER OF A'S SURPLUS.

Surplus	...	...	... 1,008
Number of transferable papers		...	... 2,004
Proportion to be transferred		Surplus	 1,008
		Number of transferable papers...	2,004

Names of candidates marked as the next available preferences	Number of original papers	Number of papers transferred	Number of papers retained for A's quota
B	...	...	...
C	...	...	...
D	257	129	128
E	11	6	5
F	28	14	14
G	1,708	859	849
H	...	...	...
I	...	...	...
K	...	...	...
Total number of transferable papers	2,004	1,008	996
Number of non-transferable papers	5	...	5
Total ...	2,009	1,008	1,001

The state of the poll on the conclusion of the transfer is as follows :—

	Votes	
A	1,001	elected.
G	1,016	Do
B	952	
C	939	
D	875	
E	499	
F	355	
H	152	
I	118	
K	93	
Total...	6,000	

G now has 1,016 votes, a number which is more than the quota. He is accordingly declared elected.

Second Transfer.

G's surplus (1,016 less 1,001, or 15) would have to be transferred were it not for the provision of the rule by which the returning officer need not transfer a surplus which is less than the difference between the two lowest candidates on the poll, and where, therefore, the transfer could not alter the relative position of these two candidates, even if the whole surplus were transferred to the lowest candidate. In this case the difference between I and K, the two lowest candidates is 25 (118 less 93), and therefore G's surplus need not be transferred.

The returning officer proceeds to distribute the papers of the candidate with the smallest total of votes.

K's parcel of 93 papers is therefore examined. It is found to contain 89 papers on which F is the next preference, and 4 on which C is the next preference.

Therefore 89 papers are transferred to F and 4 to C, being marked so as to indicate the transfer.

The poll now stands as follows :—

	Votes	
A	1,001	elected.
G	1,016	Do
B	952	
C	943	
D	875	
E	499	
F	444	
H	152	
I	118	
Total ...	6,000	

Third Transfer.

The poll shows that as a result of the second transfer no further candidate obtained the quota which would entitle him to election, and the next operation has to be determined upon.

The difference between I and H (152 less 118, *i.e.*, 34) exceeds G's surplus (15) which, therefore, is still allowed to remain untransferred.

Candidate I is lowest on the poll, and his papers have to be distributed in the same manner as K's. But as the combined totals of H and I together with G's surplus (152+118+15=285) are less than 444, the total of F, the next highest candidate, the returning officer distributes the papers of both H and I in one operation.

The papers (152+118 or 270 in all) in the parcels of H and I are examined in one operation, and it is found that—

B is marked next preference on	119	papers
D is marked next preference on	107	,,
Non-transferable papers	44	,,
Total	270	,,

It should be stated that on some papers some or one of the candidates, A, G, I, H and K, may have been marked as next in order of preference on the papers examined but as all these candidates are already either elected or excluded, any papers so marked pass to those of the other candidates for whom the next available preferences have been recorded.

The operation is completed by the transfer of 119 papers duly marked to B, and 107 to D, whilst the 44 non-transferable papers are set aside as finally dealt with.

The poll now stands as follows :—

	Votes	
A	1,001	elected.
G	1,016	Do
B	1,071	
D	982	
C	943	
E	499	
F	444	
Non-transferable papers	44	
Total ...	6,000	

B now has 1,071 votes, a number which exceeds the quota. He is accordingly declared elected.

Fourth Transfer.

B's surplus (70) exceeds the difference (55) between E and F, the two candidates lowest on the poll, and it is therefore necessary to distribute it.

For this purpose only the sub-parcel of papers last transferred, containing 119 papers, is taken into account.

These are examined and arranged in sub-parcels (in the same manner as A's papers were examined and arranged), with the following result :—

A next preference is shown for E on 84 papers.

No further preference is shown on 35 papers.

The total number of transferable papers (84) is thus greater than the surplus (70), and the proportion to be transferred is ——. But there is only one candidate, E, entitled to participate in the transfer. E accordingly receives the whole of the surplus and the 70 papers last filed in E's sub-parcel are, therefore, transferred to him, after being marked so as to indicate their transfer from B to E.

The remainder of the papers in E's sub-parcel, together with the non-transferable papers, are placed with B's original parcel. The whole constitutes B's quota, and these papers are set aside as finally dealt with.

B's quota is made up as follows :—

Original parcel	952
Remainder of E's sub-parcel	14
Non-transferable papers	34
Total ...	1,001

The poll now stands as follows :—

	Votes	
A	1,001	elected.
G	1,016	do
B	1,001	do
D	982	
C	943	
E	569	
F	444	
Non-transferable papers	44	
Total ...	6,000	

FIFTH TRANSFER.

No candidate is elected as the result of the transfer, and the next operation has to be determined upon.

G's surplus is still not distributable, being smaller than the difference between the totals of E and F, the two lowest candidates.

F is lowest, and his papers have to be distributed.

On examination it is found that of F's 444 papers, 353 show a next preference for C and the remainder, 91, contain no further preference.

The operation is completed by the transfer of 353 papers duly marked to C, whilst the 91 non-transferable papers are set aside as finally dealt with.

The poll now stands as follows :—

	Votes	
A	1,001	elected.
G	1,016	do
B	1,001	do
C	1,296	
D	982	
E	569	
Non-transferable papers	135	
Total ...	6,000	

C has now 1,296 votes, a number which exceeds the quota and he is accordingly declared elected.

No further transfer is necessary, for even if all C's surplus (295) and all G's surplus (15) were transferred to E, his total would only amount to 859.

But D's total (982) exceeds this number, and he is therefore declared elected.

The final result is that A, G, B, C and D are elected.

The details of the various operations in this election are shown in the subjoined form of "result sheet".

Statement as to the result of the poll and the transfer of votes.

Number of valid votes 6,000
Number of members to be elected 5
Quota (number of votes sufficient to secure the election of a candidate) ... 1,001

Names of candidates	Votes	Transfer of A's surplus	Result	Transfer of K's votes	Result	Transfer of H's and I's votes	Result	Transfer of B's surplus	Result	Transfer of F's votes	Final result showing the names of candidates elected and the order of their election
1	2	3	4	5	6	7	8	9	10	11	12
A ...	2,009	—1,008	1,001	...	1,001	...	1,001	...	1,001	...	1,001 (Elected) A(1)
B ...	952	...	952	...	952	+119	1,071	—70	1,001	...	1,001 (Elected) B(3)
C ...	939	...	939	+4	943	...	943	...	943	+353	1,296 (Elected) C(4)
D ...	746	+129	875	...	875	+107	982	...	982	...	982 (Elected) D(5)
E ...	493	+6	499	...	499	...	499	+70	569	...	569
F ...	341	+14	355	+89	444	...	444	...	444	—444	.....
G ...	157	+859	1,016	...	1,016	...	1,016	...	1,016	...	1,016 (Elected) G(2)
H ...	152	...	152	...	152	—152	...	...	...	...	.....
I ...	118	...	128	...	118	—118	...	...	...	...	.....
K ...	93	...	93	—93	...	...	...	...	...	...	...
Non-transferable papers not transferred	...	...	...	...	...	+44	44	...	44	+91	135
Total ...	6,000	...	6,000	...	6,000	...	6,000	...	6,000	...	6,000

79 99

SCHEDULE IV.

[*Rule* 112(2)].

RETURN OF ELECTION EXPENSES.

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(*b*) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;

(*c*) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred, in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the persons so travelling;

(*e*) the cost whether paid or incurred of—

(i) printing,
(ii) advertising,
(iii) stationery,
(iv) postage,
(v) telegrams, and
(vi) any room hired either for a public meeting or as an office,

(*f*) any other miscellaneous expenses whether paid or incurred.

Note.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other person or remaining unpaid on the date of the return are to be set off.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of the declarations referred to in sub-section (2) of section 76 of the Act shall be as follows :—

Form of Declaration by Election Agent.

I, ...being the appointed election agent for.....a candidate for election in the..... constituency of the House of the People /..... Legislative Assembly/..... Legislative Council /.....Electoral College/by the elected members / members of.....Legislative Assembly / members of.....Electoral College to fill a seat (seats) in the Council of States/ the.....Legislative Council, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of.....'s candidature.

Election Agent.

Date.....

Solemnly affirmed before me by.....who is personally known to me [or who has been identified to my satisfaction by.....
Name.....
Address.....]

(Signature and full designation of Magistrate).
Date.....

Seal of the Magistrate.

Form of Declaration by Candidate.

I, ... being a candidate for election in the ..... constituency of the House of the People /.....Legislative Assembly/..... Legislative Council/.....Electoral College/by the elected members/member of .....Legislative Assembly/members of.....Electoral College to fill a seat (seats) in the Council of States/the.....Legislative Council, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purpose of my candidature.

Date.....

Candidate.

Solemnly affirmed before me by.....who is personally known to me [or who has been identified to my satisfaction by.....
Name.....
Address.....]

(Signature and full designation of Magistrate)
Date.....

Seal of the Magistrate.

4. The special form of declaration to be made under sub-section (3) of section 76 of the Act by a candidate who owing to absence from India was unable to sign the return of election expenses and to make the required declaration shall be as follows:—

Special Form of Declaration by a Candidate under sub-section (3) *of section* 76 *of the Act.*

I, ... being a candidate for election in the ..... constituency of the House of the People/.....Legislative Assembly/..... Legislative Council/.....Electoral College/by the elected member/members of .....Legislative Assembly/members of.....Electoral College to fill a seat (seats) in the Council of States/the.....Legislative Council, do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief, and that (with the exceptions noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge or belief been incurred in, or for the purpose of, my candidature.

Particulars of Exceptions.

(Sd.).....

Date..... Candidate.

Solemnly affirmed before me by.....who is personally known to me [or who has been identified to my satisfaction by.....
Name.....
Address.....]

(Signature and full designation of Magistrate)
Date.....

Seal of the Magistrate.

SCHEDULE V.

(*Rule 117.*)

Maximum amount of Election expenses.

Name of State	Parliamentary Constituencies			Assembly Constituencies			Council of States Constituencies.	Council of Constituencies
	Single Member Constituency	Two Member Constituency	Three Member Constituency	Single Member Constituency	Two Member Constituency	Three Member Constituency		
1	2	3	4	5	6	7	8	9
Part A States.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Assam ...	25,000	35,000	...	5,000	10,000	...	...	...
Bihar ...	25,000	35,000	...	8,000	12,000	...	...	3,000
Bombay ...	25,000	35,000	...	7,000	12,000	16,000	...	3,000
Madhya Pradesh	25,000	35,000	...	6,000	12,000	...	...	...
Madras ...	25,000	35,000	...	8,000	12,000	...	...	3,000
Orissa ...	25,000	35,000	...	7,000	12,000	...	...	...
Punjab ..	25,000	35,000	...	7,000	12,000	...	...	3,000
Uttar Pradesh ...	25,000	35,000	...	8,000	12,000	...	...	3,000
West Bengal ...	25,000	35,000	0,000	7,000	12,000	...	...	3,000
Part B States								
Hyderabad ...	25,000	35,000	...	6,000	12,000	...	...	...
Madhya Bharat ...	25,000	35,000	...	5,000	10,000	...	...	...
Mysore ...	25,000	35,000	...	5,000	10,000	...	...	3,000
Patiala and East Punjab States Union.	25,000	35,000	...	4,000	8,000	...	...	...
Rajasthan ...	25,000	35,000	...	6,000	12,000	...	...	...
Saurashtra ...	25,000	35,000	...	4,000	8,000	...	...	...
Travancore-Cochin.	25,000	35,000	...	5,000	10,000	...	...	...
Part C States.								
Ajmer ...	11,000	...	...	2,000	4,000	...	...	...
Bhopal ...	25,000	...	...	2,000	4,000	...	...	...
Bilashpur ...	5,000	...	...	...	...	...	...	...
Coorg ...	7,000	...	...	1,000	2,000	...	...	...
Delhi ...	12,000	20,000	...	2,000	4,000	...	...	...
Himachal Pradesh	11,000	20,000	...	2,000	4,000	...	...	...
Kutch ...	10,000	...	...	...	...	...	2,000	...
Manipur ...	10,000	...	...	...	...	...	2,000	...
Tripura ...	10,000	...	...	...	...	...	2,000	...
Vindhya Pradesh	25,000	35,000	...	4,000	8,000	...	...	...

SCHEDULE VI.

(*Rule 118.*)

Persons who may be employed for payment by candidates or their election agents in connection with elections.

At all elections—

(1) one election agent,

(2) one counting agent, and

(3) one clerk and one messenger :

Provided that in the case of an election in a Parliamentary constituency or an Assembly constituency or a Council of States constituency the number of clerks and messengers who may be employed for payment shall be one clerk and one messenger for every seventy-five thousand electors on the electoral roll of the constituency or portion thereof.

At elections in which the method of voting by ballot boxes is followed the following persons may be employed for payment in connection with each such election in addition to the persons specified in (1), (2) and (3) above, namely :—

(*a*) one polling agent and two relief agents for each polling station or where a polling station has more than one polling booth, for each polling booth or for the place fixed under sub-section (1) of section 29 for the poll and ;

(*b*) one messenger at each polling station or where a polling station has more than one polling booth, at each such polling booth, or at the place fixed under sub-section (1) of section 29 for the poll.

[No. F. 134/51-C.]

S. N. MUKERJEE,
Joint Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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The Mysore Gazette

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(EXTRAORDINARY)

BANGALORE, MONDAY, OCTOBER 8, 1951

PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. E.B. 3128—Eln. 88-51-1, dated Bangalore, 4—8th October 1951.

Ordered that the accompanying Notification No. 62-12-51—Elec. II (1), dated the 26th September 1951, issued by the Election Commission, India, be republished in the *Mysore Gazette*, for general information.

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

ELECTION COMMISSION, INDIA.

New Delhi-1, the 26th September 1951.

NOTIFICATION.

No. 62-12—51—Elec. II (1). In exercise of the powers conferred by section 20 of the Representation of the People Act, 1951 (XLIII of 1951, the Election Commission, in consultation with the Government of Mysore, hereby designates the

officers specified in column 2 of the table below to be the Returning Officers for the Parliamentary constituencies in the State of Mysore specified in the corresponding entries in column 1 of that table:—

TABLE.

Name of Constituency.	*Returning Officer.*
(1)	(2)
Kolar ...	... Deputy Commissioner, Kolar District.
Tumkur ...	... Deputy Commissioner, Tumkur District.
Bangalore North	... Commissioner, City of Bangalore Municipal Corporation, Bangalore.
Bangalore South	... Deputy Commissioner, Bangalore District.
Mandya ..	... Deputy Commissioner, Mandya District.
Mysore ...	... Deputy Commissioner, Mysore District.
Hassan-Chikmagalur	... Deputy Commissioner, Hassan District.
Shimoga ...	... Deputy Commissioner, Shimoga District.
Chitaldrug ...	... Deputy Commissioner, Chitaldrug District.

P. S. SUBRAMANIAN, *Secy.*

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PART IV

Section I-A

CENTRAL BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. L.D. 925—Legis. 3-51-21, dated Bangalore, 27th August 1951.

Ordered that the Indian Railways (Amendment) Bill, 1951 (Central Bill No. 61 of 1951) and the Essential Services (Prevention of Strikes) Bill, 1951 (Central Bill 62 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 11th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

PART II—Section 2

Bills and Reports of Select Committees on Bills

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 7th August 1951 :—

BILL No. 61 OF 1951

A Bill further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Railways (Amendment) Act, 1951.

2. Substitution of new section for section 108, Act IX of 1890.—For section 108 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"108. *Needlessly interfering with means of communication in a train.*—(*1*) No passenger shall make use of the alarm chain or other device provided in a train for stopping it in an emergency, except when there is reasonable apprehension of danger to human life or of grave bodily harm to any person.

(*2*) If any passenger contravenes the provisions of sub-section (*1*), he shall be punished with fine which may extend to one hundred rupees."

3. Amendment of section 118, Act IX of 1890.—In sub-section (*2*) of section 118 of the principal Act, for the words "If a passenger, after being warned by a railway servant to desist, persists in travelling", the words "If a person, other than a railway servant, travels" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The object of this Bill is to prevent indiscriminate and frivolous pulling of alarm chains in passenger trains (section 108) and to enforce prohibition of dangerous travelling by passengers on footboards, roof tops or in other unauthorised places [section 118 (2)].

The necessity for the amendment to section 108 arises from the fact that alarm chains are often pulled for trivial reasons thereby upsetting train working and the existing provisions of the section are not sufficiently precise to indicate the circumstances in which the pulling of an alarm chain may be considered reasonable.

As for section 118 (2), the existing provision, which requires that before a passenger travelling in an unauthorised place can be proceeded against he must first be formally warned by a railway servant, has, in practice, been found to be unworkable.

K. SANTHANAM.

NEW DELHI;
The 21st July 1951.

BILL No. 62 OF 1951

A Bill to provide for the prevention of strikes in certain essential services.

BE it enacted by Parliament as follows:—

1. Short title, extent and duration.—(*1*) This Act may be called the Essential Services (Prevention of Strikes) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the 31st day of December, 1952, save as respects things done or omitted to be done before that date.

2. Definitions.—In this Act,—

(*a*) "essential service" means—

(*i*) any railway service;

(*ii*) any public road transport service carried on by means of motor vehicles;

(*iii*) any service or employment in a port in connection with the loading, unloading, movement or storage of goods, the pilotage or berthing of vessels, or the maintenance of navigation channels ;

(*iv*) any postal, telegraph or telephone service ; or

(*v*) any service of the Central Government engaged in, or in connection with the manufacture, repair, storage, inspection or distribution of ships, aircraft, vehicles, arms ammunition or other stores or epuipment of the armed forces ; and

(*b*) "strike" means a total or partial cessation of work by a body of persons employed in any essential service acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment.

3. Power to prohibit strikes in essential services.—(*1*) The Central Government may, if satisfied that public interest so requires, by notification in the Official Gazette, prohibit strikes in any essential service specified in the notification within such area and for such period as may be so specified therein.

(2) Upon the issue of a notification under sub-section (*1*),—

(*a*) no person employed in any essential service to which it relates shall go or remain on strike ; and

(*b*) any strike declared or commenced, whether before or after the issue of the notification, by persons employed in any such essential service, shall be illegal.

4. Penalty for illegal strikes.—(1) Any person who commences or continues a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (*1*).

5. Penalty for instigation, etc.—Any person who instigates or incites others to take part in, makes any preparation for, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

6. Penalty for giving financial aid to illegal strikes.—Any person who knowingly expends or applies any money in direct furtherance or support of a strike which is illegal under this Act shall be punishable with imprisonment which may extend to three years, or with fine which may extend to one thousand rupees, or with both.

7. Effect of provisions inconsistent with other Laws.—The provisions of this Act and of any notifications issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act 1947 (XIV of 1947), or any other law for the time being in force.

8. Repeal of Ordinance I of 1951.—(*1*) The Essential Services (Prevention of Strikes) Ordinance, 1951 (I of 1951) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in xercise of any power conferred by or under the said Ordinance shall be deemed to

have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS.

In spite of the best efforts on the part of Government to meet the legitimate demands of labour to the maximum extent possible, the All India Railwaymen's Federation have announced that they will launch a general strike on railways. It has come to the notice of Government that workers employed in other essential services may also go on strike either in sympathy with railwaymen or for other reasons. The interruption of railway communications as the result of a strike will seriously imperil the economic life of the country, affecting, as it will, the movement of imported food from the ports of landing to the scarcity regions in the interior, as well as the flow of other capital and consumer goods. A strike in the other essential services will also have serious consequences on the life of the people and the security of the country.

In order to safeguard the welfare and interests of the public at large against the consequences that might follow from the action on the part of the workers in certain essential services going on strike, Government have issued an Ordinance empowering them to prohibit strikes in any of the essential services therein specified. The Bill seeks to replace the Ordinance.

The Bill is an emergency measure and it has been provided that it shall remain in force only up to 31st December, 1952.

N. GOPALASWAMI.

NEW DELHI;
The 1st August 1951.

M. N. KAUL,
Secretary.

NOTIFICATION.

No. L.D. 937—Legis. 8-51-22, dated Bangalore, 28th August 1951.

Ordered that the Indian Companies (Amendment) Bill, 1951 (Central Bill No. 63 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 18th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

PART II—SECTION 2.

GOVERNMENT OF INDIA.

(Bills and Reports of Select Committees on Bills.)

PARLIAMENT OF INDIA.

The following Bills were introduced in Parliament on the 8th August 1951 :—

BILL NO. 63 OF 1951.

A bill further to amend the Indian Companies Act, 1913.

Be it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Indian Companies (Amendment) Act, 1951.

2. **Insertion of new Section 86J in Act VII of 1913.**—After Section 86I of the Indian Companies Act, 1913 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"86J. *Restrictions on amendment of articles relating to appointment of directors.*—In the case of a company not being a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company relating to the appointment or election of a managing director or a director not liable to retire by a rotation shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void unless approved by the Central Government."

3. **Insertion of new Section 87AA in Act VII of 1913.**—After Section 87A of the principal Act, the following section shall be inserted, namely:—

"87AA. *Restrictions on extension of term of office of managing agents.*—In the case of a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company which purports to extend, or has the effect of extending, the term of office of a managing agent holding office as such on the 21st day of July 1951, shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void unless approved by the Central Government."

4. **Amendment of Section 87B, Act VII of 1913.**—For clause (*c*) of Section 87B of the principal Act, the following clause shall be substituted, namely:—

"(*c*) a transfer of his office by a managing agent shall be void, unless approved by the company in general meeting and also by the Central Government;"

5. **Insertion of new Section 87 BB in Act VII of 1913.**—After Section 87B of the principal Act, the following section shall be inserted, namely:—

"87BB. *Restrictions on change in the constitution of a managing agent.*—In the case of a company managed by a managing agent which is a firm or a company, no change in the constitution of the managing agent, whether the change is caused by a change in the ownership of the shares held therein or by a change among the partners or board of directors or managers thereof, shall have effect unless approved by the Central Government, and until such approval is obtained, no such firm or company shall be entitled to be the managing agent of the company.

Explanation.—A change in the ownership of shares in a managing agent which is a company caused by the death of any shareholder therein, or a change among the partners of a managing agent which is a firm, or a change in the board of directors or managers of a managing agent which is a company, caused by the death or retirement by efflux of time, of a partner, director or manager, as the case may be, shall not be deemed to be a change in the constitution of a managing agent within the meaning of this section."

6. **Insertion of new Section 87CC in Act VII of 1913.**—After Section 87C of the principal Act, the following section shall be inserted, namely:—

"87CC. *Restrictions on amendment of articles or agreement relating to appointment or remuneration of managing agents, etc.*—In the case of a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with, the company—

(*a*) which relates to the appointment of the managing agent, or

(*b*) which purports to increase, or has the effect of increasing, the remuneration of the managing agent, managing director or a director not liable to retire by rotation, as the case may be,

shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void, unless approved by the Central Government:

Provided that nothing herein contained shall apply to the remuneration payable to a director for attending the meetings of the board of directors of which he is a member."

7. **Insertion of new Sections 153C and 153D in Act VII of 1913.**—In Part IV of the principal Act, before Section 154, the following heading and sections shall be inserted, namely:—

'*Alternative remedy to winding-up in cases of mismanagement or oppression.*

153C. *Power of court to act when company acts in a prejudicial manner or oppresses any of its members.*—(1) Without prejudice to any other action that may be taken, whether in pursuance of this Act or any other law for the time being in force, any member of a company who complains that the affairs of the company are being conducted—

(*a*) in a manner prejudicial to the interests of the company, or

(*b*) in a manner oppressive to some part of the members (including himself), may make an application to the court for an order under this section.

(2) No application under sub-section (1) shall be made by any member, unless—

(a) in the case of a company having a share capital, the member complaining—

(i) has obtained the consent of not less than one hundred in number of the members of the company or not less than one-tenth in number of the members, whichever is less, or

(ii) holds not less than one-tenth of the issued share capital of the company upon which all calls and other sums due have been paid; and

(b) in the case of a company not having a share capital the member complaining has obtained the consent of not less than one-fifth in number of the members,

and the provisions of Rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), shall apply to any such application as it applies to any suit within the meaning of that rule.

(3) If on any such application the court is of opinion—

(a) that the company's affairs are being conducted as aforesaid, and

(b) that to wind up the company would unfairly and materially prejudice the interests of the company or any of its members, but otherwise the facts would justify the making of a winding-up order on the ground that it is just and equitable that the company should be wound-up,

the court may, with a view to bringing to an end the matters complained of, make such order in relation thereto as it thinks fit.

(4) Without prejudice to the generality of the powers vested in a court under sub-section (3), any order made under that sub-section may provide for—

(a) the regulation of the conduct of the company's affairs in future;

(b) the purchase of the shares or interests of any members of the company by other members thereof or by the company;

(c) in the case of a purchase of shares or interests by the company being a company having a share capital, for the reduction accordingly of the company's capital or otherwise;

(d) for the termination of any agreement, howsoever arrived at, between the company and its managing agent, managing director or any of its other directors.

(5) Where an order under this section makes any alteration in or addition to, the memorandum or articles of any company, then notwithstanding anything contained in any other provision of this Act, but subject to the provisions of the order, the company concerned shall not have power without the leave of the court to make any further alteration in or addition to the memorandum or articles inconsistent with the provisions of the order, but subject to the foregoing provisions of this sub-section the alterations or additions made by the order shall have the same effect as if duly made by a resolution of the company, and the provisions of this Act shall apply to the memorandum or articles as so altered or added to accordingly.

(6) A certified copy of every order under this section altering or adding to, or giving leave to alter or add to, the memorandum or articles of any company shall, whithin fifteen days after the making thereof, be delivered by the company to the registrar for registration, and if a company makes default in complying with the provisions of this sub-section, the company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees.

(7) It shall be lawful for the court, upon the application of any petitioner or of any respondent to a petition under this section and upon such terms as to the court

appears just and equitable, to make any such interim order as it thinks fit for regulating the conduct of the affairs of the company pending the making of a final order in relation to the application.

(8) In any case in which the court makes an order terminating any agreement between the company and its managing agent or managing director or any of its other directors, as the case may be, the court may, if it appears to it that the managing agent, managing director or other director, as the case may be, has misapplied or retained or become liable or accountable for any money or property of the company or has been guilty of any misfeasance or breach of trust in relation to the company, award by way of damages against the managing agent, managing director or other director such sum as it thinks fit, and the provisions of Sections 235 and 236 of this Act shall apply as if the company were in the course of being wound-up and proceedings under Section 235 had been commenced by a contributory within the time limited by that section.

Explanation.—For the purposes of this section, any material change after the 21st day of July 1951, in the control of a company, or in the case of a company having a managing agent in the composition of the managing agent which is a firm or in the control of the managing agent which is a company, may be deemed by the court to be a fact which would justify the making of a winding-up order on the ground that it would be just and equitable that the company should be wound up:

Provided that the court is satisfied that by reason of the change the interests of the company or any of its members are or are likely to be unfairly and materially prejudiced.

153D. *Effect of termination of managing agency agreement, etc.*—(*1*) Where an agreement between a company and its managing agent, managing director or other director, as the case may be, is terminated by virtue of an order made under sub-section (8) of Section 153C,—

(*a*) the order shall not give rise to any claim on the part of the managing agent, managing director or other director, as the case may be, for damages or for compensation for loss of office or otherwise, whether the claim is made in pursuance of the agreement or otherwise, and

(*b*) no managing agent, managing director or other director or any associate of such managing agent shall, without the leave of the court, be appointed or reappointed or be entitled to act as the managing agent, managing director or director or manager of the company for a period of five years from the date of the order.

(2) If any person acts as the managing agent or manager of a company in contravention of the provisions of this section, such person, and in the case of a company each of its directors, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

(3) No court shall grant leave under this section unless notice of the intention to apply for such leave has been served on the Central Government in the manner specified in Section 80 of the Code of Civil Procedure, 1908 (Act V of 1908) in respect of suits against the Government.

Explanation.—In this section, the expression "associate of a managing agent" means—

(*a*) any firm of which the managing agent is a partner;

(*b*) any partner of the managing agent;

(*c*) any private company, of which the managing agent is a member, director, managing agent or manager; and

(*d*) in the case of a managing agent which is a company, any subsidiary company of the managing agent and any director, managing agent or manager of the managing agent or any subsidiary company of the managing agent.'

8. **Insertion of new Section 289B in Act VII of 1913.**—After section 289A of the principal Act, the following section shall be inserted, namely :—

"289B. *Power of Central Government to appoint advisory commission and to make rules in respect of certain matters.*—(1) For the purpose of advising it in the exercise of its powers under Section 86J, Section 87AA, clause (*c*) of Section 87B, Section 87BB or Section 87CC, the Central Government may constitute a commission consisting of not more than three persons with suitable qualifications and appoint one of them to be the chairman thereof.

(2) It shall be the duty of the commission to inquire into and advise the Central Government on all applications for approval made to the Central Government under any of the sections referred to in sub-section (*1*).

(3) Every application for approval made to the Central Government under any of the sections referred to in sub-section (1) shall be in such form as may be prescribed.

(4) For the purpose of making any inquiry under this section the commission may—

(*a*) require the production before it of any books or other documents in the possession of the company relating to any matter under inquiry;

(*b*) call for any further information or explanation if the commission is of opinion that such information or explanation is necessary in order that the books or other documents produced before it may afford full particulars of the matter to which they purport to relate;

(*c*) with such assistants as it thinks necessary, inspect any books or other documents so produced and make copies thereof or take extracts therefrom;

(*d*) examine on oath a managing director or any other officer of the company relating to any matter under inquiry and administer an oath accordingly to the person for the purpose.

(5) If any person refuses or neglects to produce any book or other document in his possession or custody which he is required to produce under this section or to answer any question put to him relating to any matter under inquiry, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

(6) No suit or other legal proceeding shall lie against the Central Government, the commission or any member of the commission in respect of anything which is in good faith done or intended to be done in pursuance of this section or the sections referred to in sub-section (1) or of any rules or orders made thereunder."

9. **Repeal of Ordinance III of 1951.**—(1) The Indian Companies (Amendment) Ordinance, 1951, (III of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS.

Trafficking in managing agency rights and cornering of shares in the open market with a view to acquiring control over the management of well-established and reputable companies for anti-social purposes have, since the war, reached such proportions as to make it necessary for the Government to take immediate steps to check the evils arising therefrom. The comprehensive amendment of the Company Law after receipt of the report of the Expert Committee which has been appointed to make recommendations after examining the operation of the existing law will take considerable time. Meanwhile, evidence has accumulated showing that the malpractices referred to have become very serious. Government have therefore had to promulgate an Ordinance to curb the growing evils. The Ordinance provides for :

(*i*) the prior approval of the Central Government to be obtained to any change in the controlling interests of an existing company and/or in the terms of appointment of new managing agents so as to prevent the imposition of any onerous terms on it either by the present or the incoming management ;

(*ii*) such remedial action as the Court may deem fit to order in cases of gross mismanagement of a company's affairs by directors or managing agents or in cases of oppression of some members of the company ; and

(*iii*) the setting up of a Commission to advise the Government on all applications for approval to changes in controlling interests and terms of the managing agency.

2. The present Bill is intended to replace the Ordinance.

3. Brief explanatory notes on the several clauses are given in the annexed notes on clauses.

NEW DELHI, C. D. DESHMUKH.

The 4th August 1951.

NOTES ON CLAUSES.

Clause 2.—This clause, which applies only to companies managed by boards of directors, is intended to prevent any material change in the composition of the board taking place except with the prior approval of the Central Government.

Clause 3.—Section 87A of the Indian Companies Act, 1913, lays down the duration of appointment of a managing agent. Many cases have recently come to light where the terms of office of managing agents have been extended by the full period admissible under this section long before the expiry of their existing contracts and this clause is intended to check this practice.

Clause 4.—This clause is designed to prevent the evil of trafficking in managing agencies.

Clause 5.—This clause is designed to prohibit any change in the controlling interest of a managing agent except with the prior approval of the Central Government. As the efficiency of managing agency firms or companies depends on the persons who hold a controlling interest in them it is extremely desirable that changes in the controlling interest should be regulated. The Explanation removes from the scope of this clause immaterial changes in managing agencies.

Clause 6.—Under Section 87C (2) of the Iudian Companies Act, 1913, managing agents of companies may draw remuneration in addition to, or in any form other than, the remuneration specified in sub-section (1) with the sanction of the company by special resolution. Under this provision managing agents have often succeeded in securing for themselves excessive remuneration. The object of this clause is to prevent such practices and also to prohibit the payment of similar excessive remuneration to managing directors or other directors in such companies.

Clause 7.—Short of winding up this clause provides a suitable remedy in cases where a company is managed in a manner prejudicial to the interests of the company or in a manner oppressive to some part of the members. The provisions of this clause are analogous to Section 210 of the Companies Act, 1948, of the United Kingdom, and sufficient safeguards are provided so that the company in turn is not harassed by applications from individual shareholders,

Clause 8.—For the purpose of advising the Central Government in according approval to the various matters mentioned in this Bill, this clause provides for the appointment of a commission with necessary powers.

NOTIFICATION.

No. L.D. 938—Legis. 3-51-23, dated Bangalore, 28th August 1951.

Ordered that the Evacuee Interest (Separation) Bill, 1951 (Central Bill No. 65 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 18th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

The following Bill was introduced in Parliament on the 13th August 1951 :—

BILL NO. 65 OF 151.

A bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters conneced therewith.

WHEREAS it is expedient to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith ;

AND WHEREAS some of the aforesaid provisions may relate to certain matters in the State List and Parliament is empowered, in pursuance of a Resolution passed under article 249 of the Constitution, to make such laws ;

BE it therefore enacted by Parliament as follows :—

CHAPTER I

PRELIMINARY

1. Short title and extent.—(*1*) This Act may be called the Evacuee Interest (Separation) Act, 1951.

(*2*) It extends to the whole of India except the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otheswise requires,—

(*a*) " claim " means the assertion by any person, not being an evacuee, of any right, title or interest in any property, whether such right, title or interest is claimed—

(*i*) as a co-sharer of an evacuee in the property ; or
(*ii*) as a mortgagee of the interest of an evacuee in the property ; or
(*iii*) as a mortgagor having mortgaged the property or any interest therein in favour of an evacuee ;

(*b*) "competent officer" means an officer appointed as such by the State Government under section 4;

(*c*) "composite property" means any property—

(*i*) in which the interest of an evacuee consists of an undivided share held by him jointly with any other person; not being an evacuee; or

(*ii*) which belongs to an evacuee but is subject to mortgage in any form in favour of a person, not being an evacuee; or

(*iii*) which belongs to a person, not being an evacuee, but is subject to mortgage in any form in favour of an evacuee;

(*d*) "evacuee interest", in relation to a composite property, means the right, title and interest of an evacuee in that property;

(*e*) "mortgage debt" means any liability in respect of a property due under any form of mortgage (including any unfructuary mortgage or mortgage by conditional sale) whether such liability is payable presently or in future or under any decree or order of a court or otherwise, or whether ascertained or not, which—

(*i*) in any case where it is incurred by an evacuee, is secured by the mortgage of the interest of the evacuee in the property in favour of a person, not being an evacuee;

(*ii*) in any case where it is incurred by a person not being an evacuee, is secured by the mortgage of the interest of such person in the property in favour of evacuee;

but does not include any debt incurred after the 15th day of August, 1947;

(*f*) "original principal" means the mortgage debt as originally incurred excluding any interest on such debt which may, at any time, have been included as principal;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) all words and expressions used, but not defined, in this Act and defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950), shall have the meanings assigned to them in that Act.

3. Act to override other laws.—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

CHAPTER II.

SEPARATION OF EVACUEE INTEREST IN COMPOSITE PROPERTY.

4. Power to appoint competent officers.—(1) The State Government may, by notification in the Official Gazette, appoint as many competent officers as may be necessary for the purpose of performing the functions assigned to them by or under this Act, and a competent officer may perform his functions in such local area or areas as may be specified in the notification.

(2) Any Deputy Custodian who has held a judicial office, or has been an advocate or a pleader for at least seven years, shall be qualified to be appointed as a competent officer under this Act.

5. Jurisdiction of competent officers.—A competent officer shall have jurisdiction to decide any claim relating to any composite property situate within the limits of the local area of his jurisdiction and such cases or class of cases as may, by general or special order, be transferred to him by the State Government or the Custodian General under section 20.

6. Notice to submit claims.—For the purpose of determining or separating the evacuee interest in a composite property, any competent officer having jurisdiction over such property may, either of his own motion or on an application received in this behalf, issue, in such form and manner as may be prescribed,—

(*a*) a notice on every person who, in the opinion of the competent officer, may have claim in such property, or

(*b*) a general notice requiring all persons who claim interest in such property, to submit claims, if any, in respect of that property.

7. Submission of claims.—(1) Any person claiming an interest in a composit property may, within sixty days of the date of the issue of the general notice or service of individual notice under section 6, as the case may be, submit to the competent officer a statement of his claim in writing and signed and verified in the prescribed manner :

Provided that the competent officer may entertain a claim after the expiry of the said period of sixty days if he is satisfied that the claimant was prevented by sufficient cause from filing the claim in time.

(2) A statement of claim under sub-section (1) shall be drawn up, as far as may be, in the form of pleadings under the Code of Civil Procedure, 1908 (Act V of 1908) and shall include the following particulars, namely :—

(*a*) the nature of the interest of the claimant in the composite property whether such interest is claimed—

(i) as a co-sharer of the evacuee in the property ; or

(ii) as a mortgagee of the interest of the evacuee in the property ; or

(iii) as a mortgagor having mortgaged the property or any interest therein in favour of the evacuee ;

(*b*) the extent of the interest in the composite property and the specification of its money value ;

(*c*) where the claim is made either as a mortgagor or a mortgagee—

(i) the total amount of the mortgage debt due ;

(ii) the history of the mortgage debt with particulars of the original principal and the rate of interest chargeable ;

(iii) particulars of any property the possession of which has been taken by the mortgagee as security for, or in lieu of payment of, the principal sum advanced or interest thereon, together with the name and address of any person who may be in possession of any portion of such property under such mortgagee ;

(*d*) any other particulars which may be prescribed.

(3) The claimant shall produce all documents on which he intends to rely together with a true copy of such document on the date on which the claim is filed under sub-section (1) or within such further time as may be allowed by the competent officer.

8. Inquiry into claims.—(1) On receipt of the statement of claims under section 7, the competent officer shall, subject to the provisions of this section, hold a

summary inquiry into such claims and after taking such evidence and examining such documents as he may consider necessary, pass such order in relation to the claim as he thinks fit.

(2) If there is any doubt or dispute as to whether a liability is a mortgage debt or not or whether any claim submitted under section 7 exists, the competent officer shall decide such dispute :

Provided that a decree of a civil court passed after contest relating to any claim shall be conclusive evidence as to the existence of the claim :

Provided further that where such a decree was passed *ex parte*, the competent officer may decide the question afresh and on such decision being made, the *ex parte* decree shall be deemed to have no effect.

(3) Notwithstanding anything contained in sub-sections (1) and (2), where the Custodian under the Administration of Evacuee Property Act, 1950 (XXXI of 1950) has determined the evacuee interest in any composite property, no competent officer shall inquire into, or decide, such question and the decision of the Custodian shall be binding on the competent officer.

9. Decision of the competent officer.—The competent officer shall, after making an inquiry under section 8, make such further inquiry and take such further evidence and examine such other documents as he may consider necessary and shall pass an order determining the evacuee interest in the property in question and the order may contain the following particulars, namely :—

(*a*) the money value of the property ;

(*b*) in any case where the evacuee and the claimant are co-sharers in the property, their respective shares in the property and the money value of each such share ;

(*c*) in any case where the claim is made by the mortgagor, the amount due under the claim and if the amount is not or cannot be paid by the mortgagor, the share in the property to which the evacuee would be entitled in lieu of the amount found due ;

(*d*) in any case where the claim is made by the mortgagee, the amount payable under the claim found to exist and if the amount is not or cannot be paid to the mortgagee, the share in the property to which the claimant would be entitled in lieu of the amount payable to him and in deciding such questions, the competent officer shall have due regard to the provisions of section 10 and the circumstances of the case.

10. Limitation as to the amount of rate of interest chargeable.—(1) Where the claim is in respect of a mortgage debt which has been secured by an evacuee by mortgaging his interest in any property, then, notwithstanding anything contained in any law for the time being in force or in any contract, no such mortgaged property shall be liable for the payment of—

(*a*) interest at a rate exceeding six per cent per annum simple ; or

(*b*) interest for any period after the 15th day of August, 1947 ; or

(*c*) any sum on account of interest greater than the original principal ; or

(*d*) any sum in respectof the principal and interest which together with any amount already paid or included in any decree in respect of the debt exceeds twice the original principal,

whether such sum was paid or such decree was passed before or after the commencement of this Act.

(2) No mortgaged property shall be deemed to have been liable, before the commencement of this Act, for any interest in excess of the limits specified in sub-section (1) and any interest paid before such commencement in excess of the aforesaid limits shall be deemed to be a payment in reduction of the principal.

(3) Notwithstanding anything contained in any law for the time being in force or in any contract, where a mortgagee has taken possession on any terms whatsoever of any composite property or any part thereof as security for, or in lieu of payment of, the principal sum advanced or interest thereon, the competent officer shall, in determining the amount payable, prepare an account of the receipts of the mortgagee derived from the said property and after taking into account the expenses incurred by the mortgagee either for the cultivation or for the management or maintenance of the said property, shall credit the sum of such receipts in reduction of the amount, if any, chargeable as interest on the original principal, and so far as such sum exceeds any such interest, the reduction or discharge, as the case may be, of the original principal.

11. Re-opening of transactions.—Notwithstanding anything contained in any law for the time being in force, the competent officer may, for the purpose of determining the amount payable in respect of a mortgage debt,—

(*a*) re-open any transaction and take an account between the parties;

(*b*) re-open any decree passed by a civil court and modify the same in accordance with the principles set out in section 10; and

(*c*) release the mortgaged property of an evacuee of all liability in excess of the limits specified in section 10.

12. Separation of the interests of evacuees from those of claimants in composite property.—Notwithstanding anything to the contrary in any law or contract or any decree or order of a civil court, the competent officer may, subject to any rules that may be made in this behalf, take all such measures as he may consider necessary for the purpose of separating the interests of the evacuees from those of the claimants in any composite property, and in particular, may—

(*a*) pay to the claimant the amount of money assessed in respect of his share in the composite property or deposit the same in a civil court having jurisdiction over such property and take possession of the property free from all liabilities and the claimant may withdraw the amount in deposit in the civil court; or

(*b*) transfer the property to the claimant on payment by him of the amount of money assessed in respect of the share of the evacuee in the property; or

(*c*) sell the property and distribute the sale proceeds thereof between the Custodian and the claimant in proportion to the share of the evacuee and of the claimant in the property; or

(*d*) partition the property according to the shares of the evacuee and the claimant and take possession of the share allotted to the evacuee; or

(*e*) in the case of any claim of a mortgagee, pay to the claimant the amount payable as determined under section 9 and redeem the mortgaged property; or

(*f*) in the case of any claim of a mortgagor, accept the amount due in full satisfaction of the mortgage debt; or

(*g*) adopt a combination of all or some of the aforesaid measures.

13. Vesting of evacuee interest in the Custodian from free encumbrances and payments, etc., to be valid discharge from all claims.—Where in respect of any property, notice under section 6 is issued but no claim is found to exist and the competent officer determines the evacuee interest therein under section 9, or where any claim in respect of such property is found to exist and the competent officer

separates the evacuee interest therein under section 12, the evacuee interest in the property thus determined or separated shall vest in the Custodian free from all encumbrances and liabilities, and any payment, transfer or partition made or effected under section 12 in satisfaction of any claim in respect of the property shall be a full and valid discharge of the competent officer, the Custodian and the evacuee from all claims in respect of the property and the Custodian may take possession of such interest by evicting all persons who may be in occupation thereof and may, for that purpose, use or cause to be used, such force as may be necessary.

14. Rights of claimants *inter se* **and by other persons against claimants not to be affected.**—Nothing in this Chapter shall prejudice any rights in respect of the property transferred or delivered, or payment made, to a claimant under the provisions of this Act which any other claimant or other person may be entitled by due process of law to enforce against the claimant to whom the property is delivered or transferred or the payment is made.

CHAPTER III.

APPEAL, REVISION AND POWERS AND PROCEDURES OF COMPETENT OFFICERS AND APPELLATE OFFICERS.

15. Appeals.—(1) Any person aggrieved by an order of the competent officer made under section 9 may, within thirty days from the date of the order, prefer an appeal to the Custodian General:

Provided that the Custodian General may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Custodian General to whom an appeal is preferred under sub-section (1) may dispose of it himself or make it over for disposal to such appellate officer as may be specified in this behalf by the Central Government.

(3) The Custodian General or appellate officer, as the case may be, may, after giving the parties an opportunity of being heard, confirm, vary or reverse the order appealed from and may pass such orders as he deems fit.

16. Powers of revision of the Custodian General.—The Custodian General may at any time call for the record of any proceeding in which the competent officer has passed an order for the purpose of satisfying himself as to the legality or propriety of any such order and may pass such order in relation thereto as he thinks fit;

Provided that the Custodian General shall not pass an order under this section prejudicially to any person without giving him a reasonable opportunity of being heard.

17. Amendment of orders.—Clerical or arithmetical mistakes in orders passed by a competent officer, an appellate officer or the Custodian General or errors arising therein from any accidental slip or omission, may, at any time, be corrected by the competent officer, appellate officer or the Custodian General either of his own motion or on an application received in this behalf from any of the parties.

18. Powers and procedure of competent officer, etc.—(1) The Custodian General or appellate officer and the competent officer shall have and exercise the same powers under this Act as are vested in the Custodian General and the Deputy Custodian respectively under the Administration of Evacuee Property Act, 1950, (XXXI of 1950).

(2) Without prejudice to the provisions of sub-section (1), a competent officer shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of documents ;

(*c*) issuing commissions for the examination of witnesses ;

(*d*) any other matter which may be prescribed ;

and the inquiry by the competent officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Act XLV of 1860) and the competent officer shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) For the purpose of holding any inquiry under this Act the competent officer shall follow such procedure as may be prescribed and subject thereto, the provisions of the Code of Civil Procedure, 1908 (Act V or 1908) shall, as far as may be, apply to such proceedings.

19. Finality of orders.—Save as otherwise expressly provided in this Act, every order made by the Custodian General or any appellate officer or competent officer shall be final and shall not be called in question in any court by way of appeal or revision or in any original suit, application or execution proceedings.

CHAPTER IV.

MISCELLANEOUS.

20. Power to transfer cases.—The State Government of the Custodian General may, by order in writing at any time, transfer any case pending before a competent officer to another competent officer for holding the inquiry and the competent officer to whom the case is so transferred may, subject to any special directions in the order of transfer, proceed either *de novo* or from the stage at which it was tranferred.

21. Jurisdiction of civil courts barred in certain matters.—(1) Save as otherwise expressly provided in this Act, no civil or revenue court shall entertain any suit or proceeding relating to any claim to composite property which the competent officer is empowered by or under this Act to decide, and no injunction in respect of any action taken or to be taken by the competent officer in respect of the composite property shall be granted by any civil court or other authority.

(2) All suits and proceedings in so far as they relate to such claims pending before any civil court or revenue court at the commencement of this Act shall, during the pendency of any proceeding under this Act, be stayed; and any attachment, charge, lien, injunction or order for the appointment of a receiver in respect of such claim subsisting on the commencement of this Act shall cease to have effect on such commencement and shall be deemed to be void.

(3) Nothing in sub-section (1) shall prevent any civil or revenue court from entertaining any suit or proceeding relating to any right in respect of any payment made, or property transferred or delivered, to a claimant under the provisions of this Act which any other claimant or other person may be entitled under due process of law to enforce against the claimant to whom the payment is made or the property is delivered or transferred.

22. Recovery of dues to the evacuee and the Custodian.—Any sum due to the evacuee or the Custodian under the provisions of this Act may be recovered in the same manner as an arrear of land revenue.

23. Competent Officer to be a public servant.—Every competent officer and appellate officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Act XLV of 1860).

24. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Custodian General or the appellate officer or the competent officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

25. Delegation of powers.—The Central Government may, by general or special order, direct that the powers exercisable by it by or under this Act, shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the Custodian General or by the State Government.

26. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of the Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form of any notice and the manner of its service ;

(*b*) the form and manner in which claims may be submitted and the particulars which a statement of claims may contain ;

(*c*) the manner in which inquiries under this Act may be held and the procedure to be followed by competent officers in such proceedings ;

(*d*) the form and manner in which appeals may be preferred against the order of competent officers ;

(*e*) the powers vested in a civil court which may be exercised by the competent officers while holding an inquiry under this Act ;

(*f*) the manner of separating the interests of the evacuees from those of claimants in any composite property ;

(*g*) any other matter which has to be, or may be, prescribed under this Act.

STATEMENT OF OBJECTS AND REASONS.

Custodians in India are declaring the interest of evacuees in immovable property as evacuee property under the Administration of Evacuee Property Act, 1950. Where such evacuee interest is found to be inter-mixed with non-evacuee interest in one and the same property, it becomes difficult to determine the exact property or value thereof, which vests in the Custodian. It is proposed, by means of this Bill, to provide an expeditious method for the assessment and separation of evacuee and non-evacuee interests in such property. This will help in the evaluation of the evacuee property pool.

2. Certain properties in which evacuee and non-evacuee interests are inter-mixed are in the exclusive possession of non-evacuee co-sharers or mortgagees. The Bill will enable partition of such properties or settlement of claims of the non-evacuees, thereby releasing further property for the benefit of the evacuee property

pool. In other cases, properties which contain non-evacuee admixture are in the possession of the Custodian and the non-evacuees holding interest therein are unable to obtain any benefit therefrom or satisfaction of their claims in view of the prohibitory provisions of section 17 of the Administration of Evacuee Property Act, 1950. The Bill will provide a way for the settlement of such claims. The separation of evacuee and non-evacuee interests will release the evacuee property pool from encumbrances and enable consolidation and better administration of the pool.

3. In assessing the respective interests of evacuees and non-evacuees, certain reliefs, *e.g.*, reduction of interests, have been provided in favour of evacuee mortgagors as they have been rendered unable to redeem their property on account of causes beyond their control, and their property might have deteriorated in the absence of their personal supervision.

AJIT PRASAD JAIN.

NEW DELHI,
The 2nd August 1951

M. N. KAUL,
Secretary.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 930—Legis. 5-51-37, dated Bangalore, 27th August 1951.

Ordered that Notification No. S.R.O. 1163, dated the 31st July 1951, of the Ministry of Law amending the Representation of People (Preparation of Electoral Rolls) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 4th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

PART II—Section 3.

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW.

New Delhi, the 31st July 1951.

S.R.O. 1163.—In exercise of the powers conferred by Section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government after consulting the Election Commission, hereby makes the following amendment in the Representation of the People (Preparation of Electoral Rolls) Rules, 1950, namely :—

For clause (b) of rule 2 of the said rules the following clause shall be substituted, namely;

"(b) 'Chief Electoral Officer'

means,—

(i) in relation to a Part A State or Part B State, the officer appointed by the State Government, and

(ii) in relation to a Part C State, the officer appointed by the Central Government or the Chief Commissioner of that State.

to perform the functions of a Chief Electoral Officer under these Rules."

[No. F. 10 (1)—51-G.]

S. N. MUKERJEE, Joint Secy.

NOTIFICATION.

No. L.D. 931—Legis. 5-51-38, dated Bangalore, 27th August 1951.

Ordered that Notification No. S.R.O. 1184, dated the 25th July 1951, of the Ministry of Communications amending the Indian Wireless Telegraphy (Possession) Rules, 1933, published in the *Gazette of India*, Part II, Section 3, dated the 4th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 25th July 1951.

S.R.O. 1184.—In exercise of the powers conferred by Section 10 of the Indian Wireless Telegraphy Act, 1933 (XVII of 1933), the Central Government hereby directs that the following further amendment shall be made in the Indian Wireless Telegraphy (Possession) Rules, 1933, namely:—

To sub-rule (1) of rule 11 of the said rules the following explanation shall be added, namely:—

Explanation.—The provisions of this rule shall not be deemed to he contravened if the Wireless Telegraphy apparatus is kept

(a) in the premises of a dealer who holds a dealer's license, for the purpose of repairs; or

(b) in the premises of any other person who holds a valid license for the possession of such apparatus.

[No. T-2—133—50.]

K. V. VENKATACHALAM, Dy. Secy.

NOTIFICATION.

No. L.D. 932—Legis. 5-51-39, dated Bangalore, 27th August 1951.

Ordered that Notification No. S.R.O. 1186, dated the 27th July 1951, of the Ministry of Railways amending the Railways Accident (Compensation) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 4th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF RAILWAYS.

(RAILWAY BOARD).

New Delhi, the 27th July 1951.

S.R.O. 1186.—In exercise of the powers conferred by Section 82J of the Indian Railways Act, 1890 (IX of 1890), the Central Government hereby directs that the following amendment shall be made in the Railways Accident (Compensation) Rules, 1950, namely :—

(1) After rule 27 the following rules shall be inserted, namely :—

"*28 Record.*—The record of claims cases disposed of by the Claims Commissioner shall be deposited with the Ex-Officio Claims Commissioner of the Area concerned for a period of 5 years."

(2) The existing rule 28 shall be renumbered as rule 29.

[No. 893-TG.]

S. K. GUHA, Director.

NOTIFICATION.

No. L.D. 936—Legis. 11-51-5, dated Bangalore, 28th August 1951.

Ordered that the Constitution (Removal of Difficulties) Order No. II (Third Amendment) Order, 1951 (C.O. 31), published in the *Gazette of India*, Part II, Section 3, dated the 16th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION.

New Delhi, the 16th August 1951.

S.R.O. 1264.—The following Order made by the President is published for general information :—

C.O. 31

CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER NO. II (THIRD AMENDMENT) ORDER, 1951.

In exercise of the powers conferred by clause (I) of Article 392 of the Constitution of India, the President is pleased to make the following Order, namely :—

1. (1) This Order may be called the Contitution (Removal of Difficulties) Order No. II (Third Amendment) Order, 1951.

(2) It shall be deemed to have come into force on the eighteenth day of June, 1951.

2. In the Schedule to the Constitution (Removal of Difficulties) Order No. II—

(a) In Part I,

(i) For the entries relating to article 85, the following entries shall be substituted, namely :—

" 85. In clause (1), for ' each House of Parliament ' substitute ' Parliament or each House of Parliament, as the case may be.'

In clause (2), for " the Houses or either House " substitute " Parliament " and omit sub-clause (b).' ;

(ii) In the entry relating to clause (2) of article 87, the words ' and " the House " ' shall be omitted.

(b) In Part II—

For the entry relating to article 174, the following entry shall be substituted, namely:—

" 174. In clause (2) omit sub-clause (b)."

3. The Constitution (Removal of Difficulties) Order No. VI shall cease to have effect except as respects things done or omitted to be done before the commencement of this Order.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS

Home Department.

No. H.A. 5244—Pol. 213-51-4, dated Bangalore, the 1st September 1951.

In exercise of the powers conferred by Section 8 of the Mysore Cinematograph Act, 1923 (Mysore Act XII of 1923), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Cinematograph Rules, 1946, namely:—

(1) In the "Conditions of Licence" in Form A annexed to the said rules—

(i) After item (2), the following item shall be inserted:—

"2(A). The licensee shall not exhibit or permit to be exhibited either within or outside the Cinema Theatre any advertising matter or pictorial representation which is obscene or indecent or any such matter or advertisement which is objectionable from the point of view of public morals."

(ii) After item (6) the following item shall be inserted:—

"6 (A). The licensee shall not exhibit any film in the licensed premises, in aid of any person, association or institution, without the permission of the Licensing Authority."—

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(2) In the "Conditions of Licence" in Form B annexed to the said rules—

(i) After item (2) the following item shall be inserted:—

"(2A). The licensee shall not exhibit or permit to be exhibited either within or outside the licensed premises any advertising matter or pictorial representation which is obscene or indecent or any such matter or advertisement which is objectionable from the point of view of public morals."

(ii) After item (6) the following item shall be inserted:—

"(6A). The licensee shall not exhibit any film in the licensed premises, in aid of any person, association or institution, without the permission of the Licensing Authority."

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,
Chief Secretary to Government.

No. C. 790—Co. 40-50-58, dated Bangalore, the 24th August 1951.

In pursuance of sub-clause (1) of clause (b) of Government of India Notification No. S.R.O. 503, dated the 2nd September 1950 as amended by their Notification No. 15 (5) PC.—50—Pt.1, dated the 23rd July 1951, His Highness the Maharaja is pleased to authorise the Controller of Civil Supplies in Mysore as the officer to whom a copy of the Statement referred to in the Government of India Notifications shall be sent by the dealer or producer.

By Order of His Highness the Maharaja,

C. 792—Co. 40-50-59, dated Bangalore, the 24th August 1951.

In pursuance of clause (b) of Government of India Notification No. S.R.O. 700, dated the 30th September 1950 as amended by their Notification No. 15 (5) PC.—50—Pt. 2, dated the 23rd July 1951, His Highness the Maharaja is pleased to authorise the Controller of Civil Supplies in Mysore as the officer to whom a copy of the statement referred to in the Government of India Notifications shall be sent by the dealer or producer.

By Order of His Highness the Maharaja,

No. C. 794—Co. 40-50-60, dated Bangalore, the 24th August 1951.

In pursuance of Government of India Notification No. S.R.O. 971, dated the 25th November 1950 as amended by their Notification No. 15 (5) PC—50—Pt. 3, dated the 23rd July 1951, His Highness the Maharaja is pleased to authorise the Controller of Civil Supplies in Mysore as the officer to whom a copy of the statement referred to in the Government of India Notifications shall be sent by the dealer or producer.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT

NOTIFICATION.

No. L.D. 966—Legis. 4-51-43, dated Bangalore, 3rd September 1951.

Ordered that the Opium and Revenue Laws (Extension of Application) Amendment Act, 1951 (Central Act No. XLIV of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 25th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received assent on 24th August 1951.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE OPIUM AND REVENUE LAWS (EXTENSION OF APPLICATION) AMENDMENT ACT, 1951 (XLIV OF 1951).

AN

ACT

to amend the Opium and Revenue Laws (Extension of Application) Act, 1950.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Opium and Revenue Laws (Extension of Application) Amendment Act, 1951.

2. Amendment of section 3, Act XXXIII of 1950.—For clause (*b*) of section 3 of the Opium and Revenue Laws (Extension of Application) Act, 1950, the following clauses shall be substituted and shall be deemed always to have been substituted, namely :—

"(*b*) in the disposal of cases transferred to the Central Commission under clause (*a*), it shall have and exercise the same powers as it has and exercises in the investigation of cases referred to it under the Taxation on Income (Investigation Commission) Act, 1947 (XXX of 1947), and shall be entitled to act for the same term as under sub-section (*3*) of section 4 of that Act ;

(*bb*) any decision given, whether before or after the commencement of this Act, by the Chief Revenue Authority of Travancore or of Travancore-Cochin in the exercise or purported exercise of any powers conferred on it by any law for the time being in force in the State shall be deemed to be a decision given by the Income-tax authority for the purposes of sub-section (*2*) of section 8 of the Travancore Taxation on Income (Investigation Commission) Act, 1124 (Travancore Act XIV of 1124);"

K. V. K. SUNDARAM,
Secretary to the Govt. of India.

NOTIFICATION.

No. L.D. 967—Legis. 4-51-45, dated Bangalore, 3rd September 1951.

Ordered that the Sea Customs and the Central Excises and Salt (Amendment) Act, 1951 (Central Act No. XLV of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 28th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 27th August 1951.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

THE SEA CUSTOMS AND THE CENTRAL EXCISES AND SALT (AMENDMENT) ACT, 1951 (XLV OF 1951).

AN

ACT

further to amend the Sea Customs Act, 1878 *and the Central Excises and Salt Act*, 1944.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Sea Customs and the Central Excises and Salt (Amendment) Act, 1951.

2. Amendment of section 20, Act VIII of 1878.—Section 20 of the Sea Customs Act, 1878 (hereinafter referred to as the principal Act) shall be re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely :—

"(*2*) The provisions of sub-section (*1*) shall apply in respect of all goods belonging to the Government of a Part A State or a Part B State and used for the purposes of a trade or business of any kind carried on by, or on behalf of, that Government, or of any operations connected with such trade or business as they apply in respect of goods not belonging to any Government."

3. Amendment of section 38, Act VIII of 1878.—After the proviso to section 38 of the principal Act, the following further proviso shall be inserted, namely :—

"Provided further that where a shipping bill is delivered in anticipation of the arrival of any vessel or before an order is given under section 61 for entry of the vessel outwards, it shall, for the purpose of this section, be deemed to have been delivered on the date on which that vessel arrives or that order is given, whichever is later."

4. Amendment of section 39, Act VIII of 1878.—In section 39 of the principal Act, for the words "on demand being made" the words "on a notice of demand being issued to him" shall be substituted.

5. Amendment of section 111, Act VIII of 1878.—In section 111 of the principal Act, after the words "penalties, interest" the words "export duties" shall be inserted.

6. Amendment of section 3, Act I of 1944.—After sub-section (*1*) of section 3 of the Central Excises and Salt Act, 1944, the following sub-section shall be inserted, namely :—

"(*1A*) The provisions of sub-section (*1*) shall apply in respect of all excisable goods other than salt which are produced or manufactured in India by, or on behalf of, the Government of a Part A State or a Part B State and used for the purposes of a trade or business of any kind carried on by, or on behalf of, that Government, or of any operations connected with such trade or business as they apply in respect of goods which are not produced or manufactured by any Government."

K. V. K. SUNDARAM,

Secretary to the Govt. of India

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PART IV

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Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. S.D. 3563—C. 26-51-14, dated Bangalore, 22nd August 1951.

The following Notification No. F. 16-11/51-EP., dated 27th July 1951, issued by the Government of India, Ministry of Food and Agriculture (Agriculture), is republished for the information of the public :—

No. F. 16-11/51-EP.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD AND AGRICULTURE (AGRICULTURE).

New Delhi, the 27th July 1951.

NOTIFICATION.

In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that no order made or deemed to be made under the said Act or under any corresponding law in force in a Part 'B' State shall have effect so as to prohibit or restrict the movement of edible oil seeds and edible oils from any place in a State to any other place within or outside the State or so as to regulate or control the price, production, movement or distribution thereof in any manner whatsoever.

(Sd.) VISHNU SAHAY,
Secretary to the Government of India.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

NOTIFICATION.

No. C. 851—Co. 40-50-63, dated Bangalore, 1st—3rd September 1951.

Ordered that the accompanying Notification No. 11(1) PC—50, dated the 18th August 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 18th August 1951.

No. 11(1)PC-50. In exercise of the powers conferred by clause (c) of Section 13 of the Supply and Prices of Goods Act, 1950 (LXX of 1950) and all other powers enabling it in this behalf, the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply No. S.R.O. 964, dated the 23rd November 1950, namely.

In the said notification for the words "and Salem" the words "Salem and Eleru" shall be substituted.

P. S. SUNDARAM,
Under Secretary to the Government of India.

NOTIFICATION.

No. L.S. 2100—L.W. 134-51-4, dated Bangalore, 3rd September 1951.

Whereas industrial disputes exist or are apprehended between the Management of the Mysore Paper Mills, Ltd., Bhadravati, and the workmen employed in the said mills, in respect of the matters specified in the schedule noted below.

And whereas in the opinion of His Highness the Maharaja of Mysore it is necessary to refer the said disputes for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947

(Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said disputes be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

1. (*a*) Revision of the present scale of wages so as to be in conformity with the nature of duty, *viz.*, skilled, highly skilled, etc., to be performed by an employee or group of employees.

(*b*) Payment of minimum of the higher grade wages to employees in lower grades as per practice prevailing in Mysore Iron and Steel Works.

(*c*) Suitable revision of the salaries and grades of attenders, watchmen and sanitary staff.

2. Payment of minimum dearness allowance of Rs. 35 per month.

3. Reduction of the minimum attendance for earning increments from 260 days to 250 days and sanctioning of increments soon after completion of the minimum attendance.

4. Enhancement by 25 per cent of the total emoluments, excluding dearness allowance, in the case of Paper finishers, Carpenters, Card-Board finishers, Book-making finishers, etc.

5. Payment at the time of retirement of gratuity of one month's salary or wages for each completed year of service in the case of every employee.

6. (*a*) Supply, free of cost, of either blanket or rain-coat, and footwear to employees doing out-door work, *viz.*, staff of Town Cleaning Gang, Track Gang and Sanitary Department.

(*b*) Supply of footwear, free of cost, to the staff of the Rag Section, Card-Board Section, Civil Section, Electrolyser and Turners.

(*c*) Issue of rubber shoes to the staff of the Electrical Department.

7. Enhancement of the various allowances now being paid, to Re. 0-4-0 and grant of same allowance to the employees working in the Dust, Gas and Heat Sections as under :—

Dust	...	Rag Section	...	All employees
		Lime Kiln	...	Do
		Chipper house	...	Do
		Chips fillers to Digesters	...	Do
		Coal gang-Boilers	...	Do
		Alum Chippers	...	Do
Gas	...	Electrolyser	...	Do
		Bamboo Bleachers	...	Do
Heat	...	Paper machine (Dryers)	...	Do
		Digesters	...	Do
		Boilers	...	Do
		Cupola workers	...	Do

8. Extension, to the daily rated staff, of the benefits of leave of various kinds now enjoyed by the monthly rated staff.

9. Starting the employees of Vat machine Soda Recovery, Beaters, Rags Paper M./C. Section, Stores, Boilers and Electrolysers on the IV grade wages.

10. Suitable enhancement of the scale of wages to women employees and supply of aprons to them free of cost.

11. Fixing the basic wages of male employees at a minimum of Re. 1 per day and women and boys at Re. 0-10-0 per day.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.S. 2122—L.W. 187-51-2, dated Bangalore, 6th September 1951.

Whereas an Industrial Dispute exists between the management and the workers of the Government Electric Factory, Bangalore, in respect of the matter specified in the schedule below:

And whereas in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (*i*) of section 10 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

Whether the rates of increment sanctioned to daily rated employees of the Factory in G. O. No. D. 2894-96—I. & C. 172-50-17, dated 23rd August 1951, are in accordance with the terms of agreement dated 12th July 1950, between the management and the workers of the Factory.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. L.D. 970—Legis. 5-51-40, dated Bangalore, 7th September 1951.

Ordered that the Notification No. S.R.O. 1202, dated the 2nd August 1951, of the Ministry of Home Affairs, amending the Indian Passport Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 11th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

New Delhi, the 2nd August 1951.

S.R.O. 1202.—In exercise of the powers conferred by Section 3 of the Indian Passport Act, 1920 (XXXIV of 1920), the Central Government hereby directs that the following amendments shall be made in the Indian Passport Rules, 1950, namely :—

Rule 1 of the said Rules shall be renumbered as sub-rule (1) of that rule and after the sub-rule as so renumbered the following shall be added, namely :—

"(2) They extend to the whole of India".

[No. 4/13(B)(51-F.I.

FATEH SINGH, Dy. Secy.

NOTIFICATION.

No. L.D. 971—Legis. 5-51-41, dated Bangalore, 7th September 1951.

Ordered that the Notification No. S.R.O. 1217, dated the 31st July 1951, of the Ministry of Natural Resources and Scientific Research, amending the Mineral Concession Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 11th August 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH.

New Delhi the 31*st July* 1951.

S.R.O. 1217.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendments shall be made in the Mineral Concession Rules, 1949, namely :—

In the said Rules—

(1) In clause (iii) of rule 3 for the words "limestone and kankar used for lime burning" the words "limestone, limeshell and kankar used for lime burning" shall be substituted.

(2) To rule 25 the following shall be added at the end, namely :—

"If the licensee applies for and is granted a mining lease over the whole or part of the area covered by the prospecting license, the report shall be submitted to the State Government within one year of the date of the lease."

(3) Rule 28 shall be re-numbered as sub-rule (1) of that rule and the following shall be added as sub-rule (2),—

"(2) When an application for a mining lease is refused by the State Government, intimation of the refusal shall be given to the applicant in writing."

(4) In rule 35, after the second proviso the following explanation shall be added, namely :—

"*Explanation.*—In the first proviso to this rule, the ten miles area is inclusive of lands taken on lease from private persons and situated within the State."

(5) In clause (xv) of sub-rule (1) of rule 41 for the words "thirty days" the words "sixty days" shall be substituted.

(6) For clause (ii) of rule 47, the following shall be substituted, namely :—

"(ii) No lessee, by himself or with any person joint in interest with him, shall hold, in the aggregate, more than 10 square miles under lease in respect of one mineral or related group of minerals within the State including areas taken on lease from any private person or persons."

(7) Clause (iii) of rule 47 shall be omitted and clauses (iv) and (v) shall be re-numbered as clauses (iii) and (iv), respectively, and the following clauses shall be added at the end, namely :—

"(v) The lessee may determine the lease at any time by giving not less than 12 months' notice in writing to the lessor.

(vi) The lease may contain such other conditions as may be agreed upon between the parties."

(8) In Schedule I—

(a) for item 2 and the entries thereunder the following item shall be substituted :—

"2.	Either	
(a) Crude mica	...	Re. 1 per md.
(b) Trimmed mica, all qualities other than heavy stained, dense stained and spotted	...	Rs. 3 per md.
(c) Trimmed mica other than (b)	...	Rs. 1/8 per md.
(d) Waste and scrap mica	...	As. 2 per md.
Or		
Five per cent of the sale value of mica at the pit's mouth, *at the option of the lessor.*"		

(b) For item 3, the following item shall be substituted, namely :—

"3. Gold, silver, platinum and other precious metals and their ores; copper, lead and zinc ores.	To be fixed by the Central Government in each case."

(c) Item 7A shall be omitted, and items 8 and 9 shall be re-numbered as items 7 and 8 respectively.

(9) In Schedule IV for the words "and copper ores" the words "Copper ores, Gold, Silver, Platinum and other precious metals and their ores, and precious stones" shall be substituted.

[No. M.11-159 (6)]

T. GONSALVES, Dy. Secy.

ELECTION COMMISSION, INDIA.

NOTIFICATION.

New Delhi 1, *dated the 7th September* 1951.

No. 102/12/51—Elec. II (2).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1950 (XLIII of 1950), read with section 26 of the said Act, the Election Commission, in consultation with the Government of Mysore, hereby designates the officers specified in column 2 of the table below to be the Electoral Registration Officers for the Assembly Constituencies in the State of Mysore specified in the corresponding entries in column 1 of that table :—

TABLE.

Name of Constituency.		*Electoral Registration Officer.*
1		2
Malur	...	Amildar, Malur, Taluk.
Bangarpet	...	Amildar, Bangarpet Taluk.
Kolar Gold Fields	...	Vice-President, Kolar Gold Fields Sanitary Board Area.
Mulbagal-Srinivasapur	...	Assistant Commissioner, Kolar Revenue Sub-Division, Kolar.

NEW DELHI-1.
dated the 7th September 1951.

Name of Constituency		Electoral Registration Officer.
1		2
Bagepally-Gudibanda	...	Amildar, Bagepally Taluk.
Chintamani	...	Assistant Commissioner, Chikballapur Revenue Sub-Division, Chikballapur.
Kolar	...	Amildar, Kolar Taluk.
Sidlaghatta-Chikballapur	...	Amildar, Chikballapur Taluk.
Goribidnur	...	Amildar, Goribidnur Taluk.
Pavagada	...	Amildar, Pavagada Taluk.
Koratagere-Madhugiri	...	Amildar, Madhugiri Taluk.
Huliyurdurga	...	Amildar, Kunigal Taluk.
Kunigal	...	Assistant Commissioner, Tumkur Revenue Sub-Division, Tumkur
Tumkur	...	Amildar, Tumkur Taluk.
Kora	...	Food Assistant to Deputy Commissioner, Tumkur District.
Sira	...	Amildar, Sira Taluk.
Gubbi	...	Amildar. Gubbi Taluk.
Turuvekere	...	Amildar, Turuvekere Taluk.
Tiptur	...	Amildar, Tiptur Taluk.
Chicknayakanahalli	...	Amildar, Chicknayakanahalli Taluk.
Malleswaram	...	Commissioner, City of Bangalore Municipal Corporation, Bangalore.
Gandhinagar	...	Do
Chamarajpet	...	Do
Basavangudi	...	Do
Cubbonpet	...	Do
Ulsoor	...	Do
St. John's Hill	...	Do
Bangalore North	...	Assistant Commissioner, Bangalore Revenue Sub-Division, Bangalore.
Dodballapur	...	Amildar, Dodballapur Taluk.
Nelamangala	...	Assistant Commissioner, Dodballapur Revenue Sub-Division, Dodballapur.
Magadi	...	Amildar Magadi Taluk.
Bangalore South	...	Amildar Bangalore South Taluk.
Hoskote-Anekal	...	Amildar, Hoskote Taluk.
Ramanagaram	...	Amildar, Ramnagaram Taluk.
Kankanhally	...	Amildar, Kankanhally Taluk.
Virupakshapura	...	Assistant Commissioner, Ramanagaram Revenue Sub-Division.
Channapatna	...	Amildar, Channapatna Taluk.
Malavalli	...	Assistant Commissioner, Mandya Sub-Division.
Maddur	...	Amildar, Maddur Taluk.
Mandya	...	Amildar, Mandya Taluk.
Srirangapatna	...	Sub-Division Officer, Pandavapura.
Pandavapura	...	Amildar Pandavapura Taluk.
Nagamangala	...	Amildar, Nagamangala Taluk.
Krishnarajapet	...	Amildar, Krishnarajapet Taluk.
Mysore City North	...	Municipal Commissioner, City Municipal Council, Mysore.
Mysore City South	...	Do

Name of Constituency.	*Electoral Registration Officer.*
1	2
Mysore Taluk ...	Amildar, Mysore Taluk,
Nanjangud ...	Amildar, Nanjangud Taluk.
T.-Narsipur ...	Amildar, T.-Narsipur Taluk.
Yelandur ...	Assistant Commissioner, Nanjangud Revenue Sub-Division.
Chamarajnagar ...	Amildar, Chamarajnagar Taluk.
Hunsur ...	Amildar, Hunsur Taluk.
Gundlupet-Heggadadevanakote ...	Assistant Commissioner, Mysore Revenue Sub-Division.
Krishnarajanagar ...	Amildar, Krishnarajanagar Taluk.
Periyapatna ...	Amildar, Periyapatna Taluk.
Holenarsipur ...	Amildar, Helenarsipur Taluk.
Arkalgud ...	Amildar, Arkalgud Taluk.
Channarayapatna ...	Amildar, Channarayapatna Taluk.
Javagal ...	Assistant Commissioner, Hassan Revenue Sub-Division.
Arsikare ...	Amildar, Arsikere Taluk.
Hassan ...	Amildar, Hassan Taluk.
Belur ...	Assistant Commissioner, Saklespur Revenue Sub-Division.
Chikmagalur-Mudigere ...	Assistant Commissioner, Chikmagalur Revenue Sub-Division.
Kadur ...	Amildar, Kadur Taluk.
Bhadravati ...	Amildar, Bhadravati Taluk.
Thirthahalli-Koppa ...	Amildar, Thirthahalli Taluk.
Tarikere ...	Sub-Division Officer, Tarikere.
Shimoga ...	Amildar, Shimoga Taluk.
Channagiri ...	Amildar, Honnali Taluk.
Honnali ...	Amildar, Channagiri Taluk.
Sorab-Shikaripur ...	Assistant Commissioner, Shimoga Revenue Sub-Division.
Sagar-Hosanagar ...	Assistant Commissioner, Sagar Revenue Sub-Division.
Haribar ...	Amildar, Haribar Taluk.
Davangere ...	Commissioner, Davangere City Municipal Council.
Hosadurga ...	Amildar, Hosadurga Taluk.
Molakalmuru ...	Amildar, Molakalmuru Taluk.
Hiriyur ...	Assistant Commissioner, Chitaldrug Revenue Sub-Division.
Chitaldrug ...	Amildar, Chitaldrug Taluk.
Holalkere ...	Assistant Commissioner, Davangere Revenue Sub-Division.
Jagalur ...	Amildar, Jagalur Taluk.

P. S. SUBRAMANIAN,

Secretary.

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NOTIFICATION.

No. L.S 2190—L.W. 137-51-3, dated Bangalore, 10th September 1951.

Whereas an Industrial Dispute exists between the Management and Workers of the Government Electric Factory, Bangalore, in respect of the matter specified in the schedule below :

And whereas in the opinion of His Highness the Maharaja of of Mysore, it is necessary to refer the said dispute for adjudication ;

Now therefore, in exercise of the powers conferred by clause (*c*) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), and in modification of the Government Notification No. L.S. 2122—L.W. 137-51-2, dated 6th September 1951, His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

Whether there has not been an implementation of the agreement dated 12th July 1950, between the Management and the Government Electric Factory Labour Association.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

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Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. Fl.(B) 1162-63—L.F.A. 39-51-2, dated Bangalore, 8th September 1951.

In exercise of the powers conferred by Sub-section (1) of Section 6 of the Government Securities Act, 1925 (Mysore Act VIII of 1925), His Highness the Maharaja of Mysore is pleased to declare that the provisions of the said Sub-section shall apply to the office of the Financial Adviser and Chief Accounts Officer of Southern Railway, Madras.

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

No. L.S. 2170—L.W. 61-51-6, dated Bangalore, 8th September 1951.

It is hereby notified that the period of one month allowed in Government Notification No. L.S. 1700—L.W. 61-51-4, dated 27th July 1951, for receiving objections and suggestions relating to the draft of the Industrial Statistics (Labour) Rules, 1951, published in the *Mysore Gazette*, dated 2nd August 1951, is extended up to and inclusive of 30th September 1951.

By Order of His Highness the Maharaja,

No. L.D. 980—L.A. 16-51-16, dated Bangalore, the 11th September 1951.

In pursuance of the provisions of sub-rule (2) of Rule 83 of the Mysore Legislative Assembly Election Rules, it is hereby notified that Sri K. R. Sreekanteswar, Muslim Hall, Bangalore City, has been elected as a member of the Legislative Assembly of Mysore from the Bangalore City (General) Constituency.

By Order of His Highness the Maharaja,

No. L.S. 2325—L.W. 143-51-2, dated Bangalore, the 12th September 1951.

His Highness the Maharaja of Mysore is pleased to appoint the Commissioner of Labour and Chief Inspector of Factories in Mysore as the authority to register and license factories under Section 6 (1) (*d*) of the Factories Act, 1948 (Central LXIII of 1948), pending finalisation of rules in the matter.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section—1-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT

NOTIFICATION.

No. L.D. 984—Legis. 4-51-47, dated Bangalore, 11th September 1951.

Ordered that the Assam (Alteration of Boundaries) Act, 1951 (Central Act No. XLVII of 1951) published in the *Gazette of India*, Part II, Section I, dated the 3rd September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

Received assent on 1st September 1951.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

THE ASSAM (ALTERATION OF BOUNDARIES) ACT, 1951
(XLVII OF 1951).

AN

ACT

to alter the boundaries of the State of Assam consequent on the cession of a strip of territory comprised in that State to the Government of Bhutan.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Assam (Alteration of Boundaries) Act, 1951.

2. **Alteration of the boundaries of Assam.**—On and from the commencement of this Act, the territory of the State of Assam shall cease to comprise the strip of territory specified in the Schedule, which shall be ceded to the Government of

Bhutan, and the boundaries of the State of Assam shall be deemed to have been altered accordingly.

3. **Amendment of the First Schedule to the Constitution.**—In the first paragraph of Part A of the First Schedule to the Constitution, under the heading "TERRITORIES OF STATES", after the words "Assam Tribal Areas", the following words shall be inserted, namely :—

"but shall not include the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951."

THE SCHEDULE.

(*See section* 2).

The strip of territory measuring 32·81 square miles lying to the south of Bhutan within 26° 45′ and 27° North Latitude and 91° 15′ and 91° 45′ East Longitude, demarcated on the west, north and east by boundary pillars Nos. 90, 91, 92, 93 and 94 erected in 1930-31, and on the south by boundary pillars Nos. 90, 91, 92, 93 and 94 erected in 1950.

K. V. K. SUNDARAM,
Secretary to Government of India.

NOTIFICATION.

No. L.D. 985—Legis. 4-51-48, dated Bangalore, 11th September 1951.

Ordered that the Employment of Children (Amendment) Act, 1951 (Central Act No. XLVIII of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 3rd September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

Received assent on 1st September 1951.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE EMPLOYMENT OF CHILDREN (AMENDMENT) ACT, 1951 (XLVIII OF 1951).

AN

ACT

further to amend the Employment of Children Act, 1938.

BE it enacted by Parliament as follows :—

1. **Short title.**—This Act may be called the Employment of Children (Amendment) Act, 1951.

2. **Amendment of long title and preamble, Act XXVI of 1938.**—In the long title of, and the preamble to, the Employment of Children Act, 1938 (hereinafter referred to as the principal Act), for the words "the admission of children to", the words "the employment of children in" shall be substituted.

3. **Amendment of section 2, Act XXVI of 1938.**—In section 2 of the principal Act, after clause (*b*), the following clause shall be inserted, namely :—

'(*bb*) "port authority" means a body of port commissioners or other authority administering a port;'

4. **Amendment of section 3, Act XXVI of 1938.**—In section 3 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

"(1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation—

(*a*) connected with the transport of passengers, goods or mails by railway, or

(*b*) connected with a port authority within the limits of any port.

(2) No child who has completed his fifteenth year but has not completed his seventeenth year shall be employed or permitted to work in any occupation referred to in sub-section (1), unless the periods of work of such child for any day are so fixed as to allow an interval of rest for at least twelve consecutive hours which shall include at least such seven consecutive hours between 10 P.M. and 7 A.M. as may be prescribed :

Provided that nothing in this sub-section shall apply to any child referred to herein while employed or permitted to work in such circumstances and in accordance with such conditions as may be prescribed in any occupation aforesaid either as an apprentice or for the purpose of receiving vocational training therein :

Provided further that the competent authority may, where it is of opinion that an emergency has arisen and the public interest so requires, by notification in the Official Gazette, declare that the provisions of this sub-section shall not be in operation for such period as may be specified in the notification."

5. **Insertion of new sections 3D and 3E in Act XXVI of 1938.**—After section 3C of the principal Act, the following sections shall be inserted, namely:—

'3D. *Maintenance of register.*—There shall be maintained by every employer, in respect of children employed or permitted to work in pursuance of sub-section (2) of section 3 in any occupation referred to in sub-section (1) of that section, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such occupation, showing—

(*a*) the name and date of birth of every child under seventeen years of age so employed or permitted to work ;

(*b*) the periods of work of any such child and the intervals of rest to which he is entitled ;

(*c*) the nature of work of any such child ; and

(*d*) such other particulars as may be prescribed.

3E. *Display of notice containing abstract of sections 3 and 4.*—Every railway administration and every port authority shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the

limits of a port, as the case may be, a notice in such Indian language or languages as may be prescribed and in the English language containing an abstract of sub-sections (1) and (2) of section 3 and section 4 of this Act.

Explanation.—In this section—

"railway administration" has the meaning assigned to it in the Indian Railways Act, 1890 (IX of 1890).'

6. **Substitution of new section for section 4 in Act XXVI of 1938.**—For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. *Penalty.*—Whoever—

(*a*) employs any child or permits any child to work in contravention of the provisions of section 3; or

(*b*) fails to give notice as required by section 3B; or

(*c*) fails to maintain a register as required by section 3D or makes any false entry in any such register;

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both."

7. **Amendment of section 7, Act XXVI of 1938.**—In sub-section (2) of section 7 of the principal Act—

(*i*) the word "and" at the end of clause (*a*) shall be omitted; and

(*ii*) after clause (*b*), the following clauses shall be inserted, namely:—

"(*c*) fix the seven consecutive hours between 10 P.M. and 7 A.M. for the purpose of sub-section (2) of section 3;

(*d*) specify the circumstances in which and the conditions subject to which a child may be employed or permitted to work either as an apprentice or for the purpose of receiving vocational training in any occupation referred to in sub-section (1) of section 3;

(*e*) specify the other particulars which a register maintained under section 3D should contain;

(*f*) specify the Indian language or languages in which a notice referred to in section 3E shall be published; and

(*g*) provide for exemption from the provisions of sub-section (2) of section 3 in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character and which interfere with the normal working of any occupation referred to in sub-section (1) of section 3."

K. V. K. SUNDARAM,
Secretary to Government of India.

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PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.S. 2200—L.W. 140-51-1, dated Bangalore, 10th September 1951.

In exercise of the powers conferred by Section 4 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) and in supersession of Government Notification No. L.S. 1923—L.W. 90-50-3, dated 8th September 1950, His Highness the Maharaja of Mysore is pleased to appoint the following officers to be Conciliation Officers charged with the duty of mediating in and promoting the settlement of Industrial Disputes within the respective jurisdictions noted against each :—

Sl. No.	*Officers.*	*Jurisdiction.*
1.	The Commissioner of Labour in Mysore, Bangalore.	Mysore State.
2.	Headquarters Assistant to the Labour Commissioner.	Bangalore District.
3.	The Assistant Commissioner of Labour, Bangalore Division.	Tumkur District.
4.	The Assistant Commissioner of Labour, Mysore Division.	Mysore and Mandya Districts.
5.	The Assistant Commissioner of Labour, Kolar.	Kolar District.
6.	The Assistant Commissioner of Labour, Plantation Division, Chikmagalur.	Chikmagalur and Hassan Districts.
7.	The Assistant Commissioner of Labour, Bhadravati.	Shimoga and Chitaldrug Districts.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

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NOTIFICATION.

No. L.S. 2320—L.W. 142-51-2, dated Bangalore, 11th September 1951.

Whereas industrial disputes exist or are apprehended between the Management of the Tobacco Manufacturers (India), Ltd., Bangalore, and the workers employed by them in respect of the matters specified in the schedule below:

And whereas in the opinion of His Highness the Maharaja of Mysore it is necessary to refer the said disputes for adjudication:

Now therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said disputes be referred for adjudication to the Industrial Tribunal constituted in Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

(1) Construction of quarters for all the workers and until such quarters are provided, the workers to be given a house rent allowance of Rs. 10 per mensem.

(2) Grant of service gratuity at the rate of one month's pay for each approved year of service after a service of three years, on the death, medical unfitness or involuntary retirement of a worker.

(3) Increasing the cigarette allowance to seven packets a week.

(4) Payment of a special allowance or provision of nutritional breakfast or tiffin to workers in the Manufacturing Department, Cigarette Making Department, Machine Room, etc., wherein they are likely to contract occupational diseases.

(5) Fixing the minimum wage at Rs. 1-8-0 per day.

(6) Constitution of an Enquiry Committee consisting of the representatives of the Management and the Labour Association for enquiring into cases of misconduct, etc.

(7) Provision of facilities to the Labour Union inside the Factory premises for the collection of subscription from members.

(8) Grant of casual leave of 15 days per year to every worker.

(9) Grant of 26 days' privilege leave in a year to every worker.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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NOTIFICATION.

No. L.D. 1090—Legis. 11-51-6, dated Bangalore, 18th September 1951.

Orders made by the President.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 18th May 1951.

L.D. 59. (XII)
2,000

THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES (MYSORE) ORDER, 1951.

[As modified by Parliament.]

In pursuance of sections 6 and 9 of the Representation of the People Act, 1950 (XLIII of 1950), the President is pleased to make the following Order, namely :—

1. This Order may be called the Delimitation of Parliamentary and Assembly Constituencies (Mysore) Order, 1951.

2. The constituencies into which the State of Mysore shall be divided for the purpose of elections to (a) the House of the People and (b) the Legislative Assembly of the State, the extent of each such constituency, the number of seats allotted to each such constituency and the number of seats, if any, reserved for the Scheduled Castes in each such constituency shall be as shown in the following Tables :—

TABLE A.—PARLIAMENTARY CONSTITUENCIES.

Name of Constituency	Extent of Constituency	Total number of seats.	Seats reserved for Scheduled Castes
1	2	3	4
Kolar ...	Kolar District; and Pavagada, Koratagere and Madhugiri taluks and Sira taluk (excluding Bukkapatna hobli) of Tumkur District.	2	1
Tumkur ...	Tumkur District (excluding Pavagada, Koratagere, Sira and Madhugiri taluks but including Bukkapatna hobli of Sira taluk) and Hosadurga taluk of Chitaldrug District.	1	...
Bangalore North ...	Bangalore City and Bangalore North and Devanahalli taluks of Bangalore District.	1	...
Bangalore South ...	Bangalore South, Hoskote, Anekal, Ramanagaram, Magadi, Nelamangala and Dodballapur taluks of Bangalore District.	1	...
Mandya ...	Kankanhalli and Channapatna taluks of Bangalore District, and Mandya District (excluding Krishnarajpet and Nagamangala taluks).	1	...
Mysore ...	Mysore District, Ksishnarajpet and Nagamangala taluks of Mandya District and Holenarsipur and Arkalgud taluks of Hassan District.	2	1
Hassan—Chikmagalur ...	Hassan District (excluding Hole-Narsipur and Arkalgud taluks) and Chikmagalur District (excluding Koppa, Sringeri, Tarikere and Narasimharajapura taluks).	1	...
Shimoga ...	Shimoga District and Koppa, Sringeri, Tarikere and Narsimharajapura taluks of Chikmagalur District.	1	...
Chitaldrug ...	Chitaldrug District excluding Hosadurga taluk.	1	...

TABLE B—ASSEMBLY CONSTITUENCIES.

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Kolar District			
Malur ...	Malur taluk	1	...
Bangarpet ...	Bangarpet taluk excluding Robertsonpet and Bethamangala hoblis and Kolar Gold Fields Sanitary Board Area.	1	...
Kolar Gold Fields ...	Kolar Gold Fields Sanitary Board Area and Robertsonpet and Bethamangala hoblis of Bangarpet taluk and Avani Circle of Avani hobli of Mulbagal taluk.	2	1
Mulbagal-Srinivaspur ...	Mulbagal taluk (excluding Avani Circle of Avani hobli) and Srinivasapur taluk.	2	1
Bagepalli—Gudibanda ..	Gudibanda taluk, and Bagepalli taluk excluding Chelur Circle of Chelur hobli.	1	...
Chintamani ...	Chintamani taluk, Sugatur and Vemagal hoblis of Kolar taluk, Jangamkote Circle of Jangamkote hobli of Sidlaghatta taluk and Chelur Circle of Chelur hobli of Bagepalli taluk.	2	1
Kolar ...	Kolar taluk excluding Vemagal and Sugatur hoblis.	1	...
Sidlaghatta—Chikballapur	Sidlaghatta taluk (excluding Jangamkote Circle of Jangamkote hobli), Chikballapur taluk and Dadinayakanapalya and Nagaragere hoblis of Goribidnur taluk.	2	1
Goribidnur ...	Goribidnur taluk excluding Dadinayakanapalya and Nagaragere hoblis.	1	....

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Tumkur District			
Pavagada ...	Pavagada taluk and Midigesi, Kodigenahalli and Itakadibbanahalli hoblis of Madhugiri taluk.	2	1
Koratagere—Madhugiri ...	Koratagere taluk, Dodderi, Madhugiri and Puravara hoblis of Madhugiri taluk and Kallambella hobli of Sira taluk.	2	1
Huliyurdurga ...	Kunigal taluk excluding Kunigal and Kottagere hoblis.	1	...
Kunigal ...	Kunigal and Kottagere hoblis of Kunigal taluk, and Hebbur hobli and Gulur hobli (excluding Gulur Circle) of Tumkur taluk.	1	...
Tumkur ...	Tumkur and Urdgere hoblis and Gulur Circle of Gulur hobli of Tumkur taluk.	1	...
Kora ...	Bukkapatna hobli of Sira taluk, Hagalvadi and Chelur hoblis of Gubbi taluk and Bellavi and Kora hoblis of Tumkur taluk.	1	...
Sira ...	Sira, Gowdagere and Hulikunte hoblis of Sira taluk.	1	...
Gubbi ...	Gubbi taluk excluding Chelur and Hagalvadi hoblis.	1	...
Turuvekere ...	Turuvekere taluk ...	1	...
Tiptur ...	Tiptur taluk	1	...
Chicknayakanahalli ...	Chicknayakanahalli taluk ...	1	...
Bangalore District			
Malleswaram ...	Malleswaram West, Malleswaram East, Sreerampur, Palace—Guttahalli, Seshadripuram, Maharaja Mills and	1	...

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
	High Grounds Divisions of Bangalore City and Ramachandrapuram of Bangalore North taluk.		
Gandhinagar ...	Gandhinagar, Subhashnagar, Labour Colony, Kempapura Agrahar, Kemmanagundi, Rangaswamy Temple and Chickpet Divisions of Bangalore City.	1	...
Chamarajpet ...	Chamarajpet West, Chamarajpet East Sri Krishnarajendra Market Road, Sri Kasi Visweswaraswamy Temple, Gavipura Guttahalli and Super Talkies Divisions of Bangalore City.	1	...
Basavangudi ...	Basavangudi East, Mavalli, Visweswarapuram, Kalasipalyam, Shankarpur, Bull Temple and Town Hall Divisions of Bangalore City.	1	...
Cubbonpet ...	Cubbonpet, Dharmarayaswamy Temple, Anjaneya Temple, Taramandalpet, Shoolay and Richmond and Austin Towns Divisions of Bangalore City.	1	...
Ulsoor ...	Ulsoor, Jaughpalayam, Commercial Street, Sivanchetty Garden, Central Bazaar and Hospital and Murphy and Macier Town Divisions of Bangalore City.	1	...
St. John's Hill ...	St. John's Hill, Bamboo Bazaar, Broadway and Blackpalli and Cox, Fraser, Benson and Tasker Town Divisions of Bangalore City.	1	...
Bangalore North ...	Bangalore North and Devanahalli taluks.	2	1

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Dodballapur ...	Dodballapur taluk excluding Doddabelavangala hobli.	1	...
Nelamangala ...	Doddabelavangala hobli of Dodballapur taluk, and Nelamangala taluk and Solur and Kudur hoblis of Magadi taluk.	2	1
Magadi	Magadi taluk excluding Solur and Kudur hoblis.	1	...
Bangalore South ...	Bangalore South taluk and Jigani hobli of Anekal taluk and Bidarahalli hobli of Hoskote taluk.	2	1
Hoskote—Anekal ...	Hoskote taluk (excluding Bidarahalli hobli) and Anekal taluk excluding Jigani hobli.	2	1
Ramanagaram ...	Ramanagaram taluk	1	...
Kankanhalli ...	Kankanhalli taluk excluding Uyyamballi and Satnur hoblis.	1	...
Virupakshapura ...	Uyyamballi and Satnur hoblis of Kankanhalli taluk and Virupakshapura hobli of Channapatna taluk.	1	...
Channapatna ...	Channapatna taluk excluding Virupakshapura hobli.	1	...
Mandya District			
Malavalli ...	Malavalli taluk and Chikkarasinakere hobli of Maddur taluk.	2	1
Maddur ...	Maddur taluk excluding Chikkarasinakere hobli.	1	...
Mandya ...	Mandya taluk excluding Kothathi hobli.	1	...
Srirangapatna ...	Kothathi hobli of Mandya taluk, and Srirangapatna taluk excluding Kurubarasettihalli hobli.	1	...

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Pandavapura ...	Kurubarasettihalli hobli of Sriranga-patna taluk, and Pandavapura taluk.	1	...
Nagamangala ...	Nagamangala taluk ...	1	...
Krishnarajpet ...	Krishnarajpet taluk ...	1	...
Mysore District			
Mysore City North ...	Mandy, Lashkar and Nazarbad mohal-las of Mysore City.	1	...
Mysore City South ...	Fort, Krishnaraj, Chamaraj and Devaraj mohallas of Mysore City.	1	...
Mysore Taluk ...	Mysore taluk excluding Anandur Circle of Yelwal hobli.	1	...
Nanjangud ...	Nanjangud taluk ...	2	1
T.-Narsipur ...	T.-Narasipur taluk excluding Mugur and Talkad hoblis.	1	...
Yelandur ...	Yelandur taluk, Mugur and Talkad hoblis of T.-Narsipur taluk and Ramasamudra Circle of Chamaraja-nagar hobli and Chandakavadi and Santhemarahalli hoblis of Chamaraj-nagar taluk.	2	1
Chamarajnagar ...	Chamarajnagar Circle of Chamarajnagar hobli and Haradanahalli and Harve hoblis of Chamarajnagar taluk.	1	...
Hunsur ...	Hunsur taluk, Anandur Circle of Yelwal hobli of Mysore taluk; and Thippur Circle of Krishnarajanagar hobli of Krishnarajanagar taluk.	1	...
Gundlupet — Heggada-devanakote.	Gundlupet and Heggadadevanakote taluk.	2	1

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Krishnarajanagar ...	Krishnarajanagar taluk (excluding Chunchankatte Circle of Chunchanakatte hobli and Thippur Circle of Krishnarajanagar hobli).	1	...
Periyapatna ...	Periyapatna taluk and Chunchanakatte Circle of Chunchanakatte hobli of Krishnarajanagar taluk.	1	...
Hassan District			
Holenarsipur ...	Holenarsipur taluk (excluding Doddabyagatanavatti Circle of Kasaba hobli) and Basavapatna Circle of Ramanathpur hobli of Arkalgud taluk.	1	...
Arkalgud ...	Arkalgud taluk (excluding Basavapatna Circle of Ramanathpur hobli) and Doddabyagatanavatti Circle of Kasaba hobli of Hole-Narsipur taluk.	1	...
Channarayapatna ...	Channarayapatna taluk excluding Bagur and Dandiganahalli hoblis.	1	...
Javagal ...	Bagur and Dandiganahalli hoblis of Channarayapatna taluk and Javagal and Gandasi hoblis of Arsikere taluk.	1	...
Arsikere ...	Arsikere taluk excluding Javagal and Gandasi hoblis.	1	...
Hassan ...	Hassan taluk excluding Salagame and Kattaya hoblis.	1	...
Belur ...	Salagame and Kattaya hoblis of Hassan taluk and Belur, Manjarabad and Alur taluks.	2	1

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
Chikmagalur District			
Chikmagalur — Mudigere.	Chikmagalur and Mudigere taluks and Sakrepatna hobli, Singatagere I Circle of Singatagere hobli and I Circle of Birur hobli of Kadur taluk.	2	1
Kadur ...	Kadur taluk excluding Sakrepatna hobli, Singatagere I Circle of Singatagere hobli and I Circle of Birur hobli.	1	...
Shimoga and Chikmagalur Districts			
Bhadravati ...	Bhadravati taluk of Shimoga District and Narasimharajapura taluk of Chikmagalur District.	1	...
Thirthahalli—Koppa ...	Thirthahalli taluk (excluding Agrahar hobli and Araga Circle) of Shimoga District, and Koppa and Sringeri taluks of Chikmagalur District.	1	...
Tarikere ...	Tarikere taluk of Chikmagalur District and Tavarekere Circle of Ubrani hobli of Channagiri taluk of Shimoga District.	1	...
Shimoga District			
Shimoga ...	Shimoga taluk	1	...
Channagiri ...	Channagiri taluk excluding Tavarekere Circle of Ubrani hobli.	1	...
Honnali ...	Honnali taluk	1	...
Sorab—Shikaripur ...	Sorab and Shikaripur taluks; Talaguppa and Anandapuram hoblis of Sagar taluk and Kerehalli hobli of Hosanagar taluk.	2	1
Sagar—Hosanagar ...	Sagar taluk (excluding Anandapuram and Talaguppa hoblis) and	1	...

Name of Constituency	Extent of Constituency	Total number of seats	Seats reserved for Scheduled Castes
1	2	3	4
	Hosanagar taluk (excluding Kerehalli hobli), and Agrahar hobli and Araga Circle of Thirthahalli hobli of Thirthahalli taluk.		
Chitaldrug District			
Harihar ...	Harihar taluk, Hadadi Circle of Davangere hobli and Lokikere Circle of Mayakonda hobli of Davangere taluk.	1	...
Davangere ...	Davangere hobli (excluding Hadadi Circle) and Anagodu hobli of Davangere taluk.	1	...
Hosadurga ...	Hosadurga taluk	1	...
Molakalmuru ...	Thallak hobli of Challakere taluk and Molakalmuru taluk.	1	...
Hiriyur ...	Hiriyur taluk (excluding Aymangala hobli) and Challakere taluk (excluding Tallak hobli).	2	1
Chitaldrug ...	Chitaldrug hobli of Chitaldrug taluk and Aymangala hobli of Hiriyur taluk.	1	...
Holalkere ...	Holalkere taluk, Chitaldrug taluk (excluding Chitaldrug hobli and Yalagodu Circle of Bharamasagara hobli), and Mayakonda Circle of Mayakonda hobli of Davangere taluk.	2	1
Jagalur ...	Jagalur taluk and Yelagodu Circle of Bharamasagara hobli of Chitaldrug taluk.	1	...

[No. F. 85 (12)/51-C]

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

Republished by Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government,

NOTIFICATION.

No. 2676—Cts. 46-51-5, dated Bangalore, 12th September 1951.

In exercise of the powers conferred by paragraph 4 of Section 1 of the Transfer of Property Act, 1882 (Central Act IV of 1882), His Highness the Maharaja of Mysore is pleased to extend the provisions of the said Act to the whole of the State of Mysore with effect from the first day of October 1951.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. E.D.S. 3346—Elecl. 78-51-13, Dated Bangalore, 15th September 1951.

In pursuance of Clause (*b*) of Sub-Section (2) of Section 36-A of the Indian Electricity Act, 1910, (Central Act No. IX of 1910), His Highness the Maharaja of Mysore is pleased to nominate the Chief Electrical Engineer to the Government of Mysore, Bangalore, as a member of the Central Electricity Board.

By Order of His Highness the Maharaja,

S. BILIGIRI RAO,
Secretary to Government,
Electrical Department.

ELECTION COMMISSION, INDIA.

New Delhi-1, September 8, 1951.

NOTIFICATION.

No. 32-1-51—Elec. II (2). In pursuance of sub-rule (1) of rule 5 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the Election Commission hereby publishes the following list of symbols which may be used at elections to a Parliamentary constituency, an Assembly constituency, a

Council of States constituency or a Legislative Assembly constituency of a Part C State :—

List of Symbols.

1. Two bulls with yoke on
2. Tree
3. Standing Lion
4. Human hand
5. Horse and rider
6. Hut
7. Rising Sun
8. Elephant
9. Ears of Corn and a sickle
10. Spade and stoker
11. Flaming torch (Mashal)
12. Star
13. A cultvator winnowing grain
14. Lamp (Deepa)
15. Bow and arrow
16. Railway engine
17. Cycle
18. Cart
19. Boat
20. Flower
21. Pitcher
22. Ladder
23. Scales
24. Cock
25. Camel

In exercise of the powers conferred by the proviso to sub-rule (2) of the said rule, the Election Commission hereby directs that no candidate shall choose except with the permission of the Returning Officer,—

(1) any of the symbols specified in items 1 to 14 of the above list ; or

(2) any other symbol included in a further list or lists which may be notified hereafter.

P. S. SUBRAMANIAN,
Secretary.

NOTIFICATION.

No. S.R. 3427—J.S. 4-51-2, dated Bangalore, 11th September 1951.

In exercise of the powers conferred by sub-section (2) of Section 248 of the Indian Companies Act, 1913 (Central Act VII of 1913), read with Notification No. S.R.O. 761, dated 23rd May 1951 of the Ministry of Finance, Department of Economic Affairs, Government of India, and in modification of Notification No. S.R. 1983—J.S. 34-47-2, dated 15th October 1948, His Highness the Maharaja of Mysore is pleased to appoint Sri S. Krishna Murthy, M.A., LL.M., Inspector of Joint-Stock Companies, as an Assistant Registrar of Joint-Stock Companies.

By Order of His Highness the Maharaja,

T. RANGAMALLAIYA,
Secretary to Government,
Revenue Department.

NOTIFICATION.

No. C. 879—C.O. 17-51-4, dated Bangalore, 10th September 1951.

Ordered that the accompanying Notification No. S.R.O. 1230, dated the 14th August 1951, issued by the Government of India, Ministry of Commerce and Industry, under the Cotton Textiles (Control) Order, 1948, be republished in the *Mysore Gazette*, for the information of the public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture
Departments.

THE GAZETTE OF INDIA.

(EXTRAORDINARY.)

PART II—SECTION 9.

(Published by Authority.)

NEW DELHI, TUESDAY, AUGUST 14, 1951.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION

New Delhi, the 14th August 1951.

S.R.O. 1230.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1950 (No. XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles Control Order, 1948, namely,

After sub-paragraph (iii) of paragraph (*d*) of sub-clause (3) of clause 21 of the said Order, the following shall be added, namely,

"(*iv*) during each of the months of August and September 1951, a quantity of cloth intended for sale in India less than 75 per cent of the total quantity of cloth packed by him in that month, provided however that out of the balance not more than 10 per cent of the total quantity of cloth packed by him in that month may be of 'coarse' and 'medium' category."

(No. 9 (4)-C.T./51-8.)
S. K. DATTA, Deputy Secretary.

NOTIFICATION.

No. S.D. 4097—C. 114-50-26, dated Bangalore 14th September 1951.

In exercise of the powers conferred by sub-section (1) of Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (Central Act XXIV of 1946), read with the Government of India, Ministry of

Food, Notification No. S.R.O. 703, dated 4th October 1950, and with the concurrence of the Government of India, His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the Articles of Food Acquisition (Harvest) Order, 1949, namely :—

In the said Order,

For Clause 19, the following clause shall be substituted:—

"19. Whoever contravenes any of the provisions of this Order, will be punishable under Section 7 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946)."

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

Printed by the Director of Printing, Stationery and Publication
at the Government Press, Bangalore.

PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

GOVERNMENT OF MYSORE.

LEGISLATIVE DEPARTMENT.

No. L. D. 1097, dated Bangalore, the 19th September 1951

ERRATUM.

In Notification No. L.D. 957—L.A. 34-51-1, dated the 1st September 1951, published in the *Mysore Gazette* Extraordinary, Part IV, Section 2-B, dated the 1st September 1951, for "clause (2)" substitute "clause (1)".

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore

PART IV

Section 2-C 148

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

HOME DEPARTMENT.

No. H.A. 5531-42—Pol. 237-51-4, dated Bangalore, 11th September 1951.

In exercise of the powers conferred by sub-rule (4) of Rule 23 of the Mysore Arms Rules, 1926, read with the entries against item 3 of Schedule III to the said Rules, His Highness the Maharaja of Mysore is pleased to designate the Health Inspectors of Health Units in the Malnad areas of the State as Government Servants to whom no fee is chargeable for a license in Form IX of the said Rules in respect of a gun and a revolver or a pistol, with a reasonable quantity of ammunition for the same.

For the purpose of this Notification the areas mentioned below are considered as Malnad areas :—

(1) In Hassan District ...	Manjarabad and Belur Taluks.
(2) In Chikmagalur District.	Mudigere, Koppa, Tarikere and Chikmagalur Taluks.
(3) In Shimoga District ...	Thirthahalli, Nagar, Sagar and Sorab Taluks.
(4) In Mysore District ...	Arkalgud, Hunsur and Heggaddevankote Taluks, Hangala Hobli and the State Forest areas in Gundlupet Taluk.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,

Chief Secretary to Government.

No. M. 12279—P.H. 26-50-2, dated Bangalore, 17th September 1951.

In exercise of the powers conferred by section 2 of the Epidemic Diseases Act (II of 1897) His Highness the Maharaja of Mysore, is pleased to direct that the temporary regulations for prevention of outbreak and spread of plague throughout the Mysore State issued with Government Notification No. G. 6784—P. H. 84-41-2, dated 2nd January 1942 and subsequently continued in Government Notification No. M. 13779—P.H. 69-48-2, dated 11th February 1949, be observed throughout the State for a further period of one year from the 1st April 1951.

By Order of His Highness the Maharaja,

MOHAMED RAHMATHULLAH,

Secretary to Government,

Medical & Public Health Departments.

No. T. 3551—R. T. 71-51-3, dated Bangalore, 14th September 1951.

In exercise of the powers conferred by Section 17 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Mysore Act XII of 1951), and in modification of Notification No. T. 663—R.T. 4-45-1, dated the 4th September 1945, His Highness the Maharaja of Mysore is pleased to exempt the goods vehicles, whether laden or unladen, engaged by the Department of Food Supplies for the carriage of food-grains belonging to the Government, from payment of tolls throughout the State of Mysore, provided that the person in charge of the vehicle has in his possession and produces on demand at a toll bar, a certificate granted by an Officer of the Department of Food Supplies authorised in this behalf by the Director of Food Supplies in Mysore, that the vehicle has been engaged for the carriage of food-grains belonging to Government on the road specified in such certificate.

No. L. 6423-C.M. 34-51-2, dated Bangalore, 17th September 1951.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Amusements Tax Act, 1932 (Mysore Act VIII of 1932), His Highness the Maharaja of Mysore is pleased to direct that the said Act shall come into force in that part of the City of Bangalore, which prior to the 8th December 1949 was the Civil Station of Bangalore, as defined in the Bangalore Municipal Law, 1897, from the 15th day of September 1951.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,

Secretary to Government,

Local Self-Government Department.

No. W. 744, dated Bangalore 13th September 1951.

In pursuance of clause (1) of section 2 of the Mysore House Rent and Accommodation Control Act, 1951, (Mysore Act XXX of 1951), His Highness the Maharaja of Mysore is pleased to appoint the officers specified hereunder to perform the functions of the 'Controller' under the said Act in respect of the areas noted against each.—

Officers.	*Areas.*
1. The Deputy Commissioner, Bangalore District.	Bangalore District excluding the City of Bangalore.
2. The Deputy Commissioner, Mysore District.	Mysore District excluding Mysore City.
3. The Deputy Commissioner, Mandya District.	Mandya District
4. The Deputy Commissioner, Hassan District.	Hassan District
5. The Deputy Commissioner, Chikmagalur District.	Chikmagalur District
6. The Deputy Commissioner, Shimoga District.	Shimoga District
7. The Deputy Commissioner, Chitaldrug District.	Chitaldrug District
8. The Deputy Commissioner, Tumkur District.	Tumkur District
9. The Deputy Commissioner, Kolar District.	Kolar District

Officers.	*Areas.*
10. Sri N. Seshu Iyer, Assistant Commissioner.	That part of the City of Bangalore which prior to the 8th day of December 1949, was known as Bangalore City as constituted under the Mysore City Municipalities Act, 1933.
11. Sri B. C. Chennaraj Urs, Assistant Commissioner.	That part of the City of Bangalore which prior to the 8th day of December 1949, was known as the Civil Station of Bangalore as constituted under the Bangalore Municipal Law, 1897.
12. Sri G. H. Adirajiah, Assistant Commissioner.	City of Mysore

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

No. S.D. 4014—C. 39-51-19, dated Bangalore, the 12th September 1951.

In exercise of the powers conferred by Rule 81 (2) of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), His Highness the Maharaja of Mysore is pleased to direct that, in supersession of all the previous notifications issued from time to time on the subject, fuel shall be sold at the following rates in the Corporation of the City of Bangalore, by persons licensed to deal in fuel by the Rationing Officer, Bangalore, or any other Officer authorised by the Director of Food Supplies in Mysore, Bangalore, in this behalf and to direct further with reference to Rule 119 of the said Rules, that notice of this

Order shall be given by publication in the Official Gazette:—

			Per rupee
1.	(a) Casuarina ...	Split ...	2¼ maunds
	(b) Kamara ...		
	(c) Dindiga ...		
	(d) Jambe ...	Unsplit ...	2½ "
	(e) Mathi ...		
2.	Junglewood ...	Split ...	3 "
		Unsplit ...	3½ "
3.	Junglewood hard	Split ...	2¾ "
		Unsplit ...	3¼ "

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,

Food and Agriculture Departments.

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PART IV

Section 1-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1003—Legis. 4-51-50, dated Bangalore, 15th September 1951.

Ordered that the Government of Part C States Act 1951 (Central Act No. XLIX of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 6th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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Received Assent on 6th September 1951.

MINISTRY OF LAW.

THE GOVERNMENT OF PART C STATES ACT, 1951.

(XLIX OF 1951).

AN

ACT

to provide for Legislative Assemblies, Councils of Ministers and Councils of Advisers for Part C States.

BE it enacted by Parliament as follows :—

PART I.

PRELIMINARY.

1. Short title and commencement.—(1) This Act may be called the Government of Part C States Act, 1951.

(2) This section and sections 2, 3, 4, 6, 7, 8, 17, 42, 43 and 44 and the First, Second, Third and Fifth Schedules shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the Central Government may by notification in the Official Gazette appoint, and for this purpose the Central Government may appoint different dates for different provisions of this Act and for different States :

Provided that the provisions of sections 3, 4, 6, 7, 8 and 17 shall not come into force in any of the States of Kutch, Manipur and Tripura until such date or dates as the Central Government may by notification in the Official Gazette appoint in this behalf.

2. Interpretation.—(1) In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the Constitution ;

(*b*) "Assembly constituency" means a constituency provided by order made under sub-section (2) of section 4 for the purpose of elections to the Legislative Assembly of a State ;

(*c*) "Delhi", except where it occurs in the expression "State of Delhi", means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify ;

(*d*) "Election Commission" means the Election Commission appointed by the President under article 324.

(*e*) "Judicial Commissioner" includes an Additional Judicial Commissioner ;

(*f*) "New Delhi" means such area in the State of Delhi as the Central Government may by notification in the Official Gazette specify ;

(*g*) "State" means any State specified in Part C of the First Schedule to the Constitution other than Bilaspur.

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(2) For the purposes of this Act, the castes specified in the First Schedule shall be the Scheduled Castes in relation to the Part C State under which they are so specified, and the tribes specified in the Second Schedule shall be the Scheduled Tribes in relation to the Part C State under which they are so specified.

(3) Any reference in this Act to the Chief Commissioner shall, in relation to a State for the time being administered by the President through a Lieutenant-Governor, be construed as a reference to the Lieutenant-Governor.

(4) Any reference in this Act to laws made by Parliament shall be construed as including a reference to Ordinances made by the President under article 123.

PART II.

LEGISLATIVE ASSEMBLIES.

3. Constitution of Legislative Assemblies and their composition.—(1) There shall be a Legislative Assembly for each State.

(2) The allocation of seats in the Legislative Assemblies of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh shall be as shown in the Third Schedule.

(3) In the Legislative Assembly of each State specified in the first column of the Third Schedule there shall be the number of seats specified in the second column opposite to that State which shall be filled by direct election, and of those seats—

(*a*) the number specified in the third column shall be the number of seats reserved for the Scheduled Castes, and

(*b*) the number, if any, specified in the fourth column shall be the number of seats reserved for the Scheduled Tribes.

(4) The composition of the Legislative Assembly of any State which is not specified in the first column of the Third Schedule shall be such as the President may by order specify in relation to that State.

(5) As from the date on which the Legislative Assembly of Coorg is, after having been duly constituted under the provisions of this Part, summoned to meet for its first session, the Coorg Legislative Council shall cease to function and shall be deemed to be dissolved.

4. Delimitation of constituencies.—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be constituencies as provided by order made under sub-section (2) and no other constituencies.

(2) As soon as may be after this section comes into force in any State. the President shall by order determine—

(*a*) the constituencies into which such State shall be divided ;

(*b*) the extent of such constituencies ;

(*c*) the number of seats allotted to each such constituency ; and

(*d*) the number of seats, if any, reserved for the Scheduled Castes or for the Scheduled Tribes in each constituency.

(3) The President may, from time to time, after consulting the Election Commission, by order alter or amend any order made by him under sub-section (2).

(4) The Election Commission shall—

(a) in consultation with the Advisory Committee set up under sub-section (1) of section 13 of the Representation of the People Act, 1950 (XLIII of 1950), in respect of each State other than Coorg, formulate proposals as to the delimitation of constituencies in that State under sub-section (2), and

(b) in consultation with the member of Parliament representing the State of Coorg formulate proposals as to the delimitation of constituencies in that State under sub-section (2),

and submit the proposals to the President for making the orders under the said sub-section (2).

5. **Duration of Legislative Assemblies.**—The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly :

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

6. **Electoral rolls for Arsembly constituencies.**—(1) For the purpose of elections to the Legislative Assembly of a State, there shall be an electoral roll for every Assembly constituency.

(2) So much of the roll or rolls for any Parliamentary constituency or constituencies for the time being in force under Part III of the Representation of the People Act, 1950 (XLIII of 1950), as relate to the areas comprised within an Assembly constituency shall be deemed to be the electoral roll for that Assembly Constituency.

7. **Qualification for membership of the Legislative Assembly.**—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State unless he—

(a) is a citizen of India ;

(b) is not less than twenty-five years of age ; and

(c) (i) in the case of a seat reserved for the Scheduled Castes or the Scheduled Tribes of that State, is a member of any of those castes or tribes as the case may be, and is an elector for any Assembly constituency in that State ;

(ii) in the case of any other seat, is an elector for any Assembly constituency in that State.

Explanation.—In this section, the expression 'elector', in relation to a constituency, means a person whose name is for the time being entered in the electoral roll of that constituency.

8. **Elections to the Legislative Assembly.**—The provisions of Part I and Parts III to XI of the Representation of the People Act, 1951 (XLIII of 1951), and of any rules and orders made thereunder for the time being in force, shall apply in relation to an election to the Legislative Assembly of a State, as they apply in relation to an election to the Legislative Assembly of a Part A State, subject to such modifications as the President may, after consultation with the Election Commission, by order direct.

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9. Sessions of the Legislative Assembly, prorogation and dissolution.—(1) The Chief Commissioner shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Chief Commissioner may, from time to time,—

(*a*) prorogue the Assembly ;

(*b*) dissolve the Assembly.

10. The Speaker and Deputy Speaker of the Legislative Assembly.—(1 The Legislative Assembly shall, as soon as may be, choose two members o the Assembly to be respectively Speaker and Deputy Speaker thereof and so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of an Assembly—

(*a*) shall vacate his office if he ceases to be a member of the Assembly ;

(*b*) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker and if such member is the Deputy Speaker, to the Speaker, resign his office ;

(*c*) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly :

Provided that no resolution for the purpose of clause (*c*) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution :

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediatly before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.

(4) During the absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(5) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly of the State by law and, until provision in that behalf is so made, such salaries and allowances as the Chief Commissioner may, with the approval of the President, by order determine.

11. The Speaker or the Deputy Speaker not to preside while a resolution for his removal from office is under consideration.—(1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution, for the removal of the Deputy Speaker from his office is under consideration the Deputy Speaker, shall not, though he is present, preside, and the provisions of sub-section (4) of section 10 shall apply in relation to every such

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sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(2) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 15, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

12. Right of Chief Commissioner to address and send messages to the Assembly.—The Chief Commissioner may address the Assembly and may for this purpose require the attendance of members and he may also send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

13. Rights of the Chief Commissioner and Minister as respect the Assembly.—The Chief Commissioner and every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of the State, and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote.

14. Oath or affirmation by members.—Every member of the Legislative Assembly of a State shall, before taking his seat, make and subscribe before the Chief Commissioner, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Fourth Schedule.

15. Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.—(1) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly of a State shall be determined by a majority of votes of the members present and voting, other than the Speaker or person acting as such.

(2) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(3) The Legislative Assembly of a State shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly of a State shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(4) The quorum to constitute a meeting of the Legislative Assembly of a State shall be ten members or one-third of the total number of members of the Assembly, whichever is greater.

(5) If at any time during a meeting of the Legislative Assembly of a State their is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

16. Vacation of seats.—(1) No person shall be a member both of Parliament and of the Legislative Assembly of a State, and if a person is chosen a member both of Parliament and of such Assembly, then, at the

expiration of such period as may be specified in rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the State.

(2) If a member of the Legislative Assembly of a State—

(a) becomes subject to any disqualification mentioned in section 17 for membership of the Assembly, or

(b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of a State is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

17. Disqualifications for membership.—A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of a State, if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under any of the provisions of article 102.

18. Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified.—If a person sits or votes as a member of the Legislative Assembly of a State before he has compiled with the requirements of section 14, or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the State.

19. Powers, privileges, etc., of members.—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly of each State.

(2) No member of the Legislative Assembly of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly of a State and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly of a State or any committee thereof as they apply in relation to members of that Assembly.

20. Salaries and allowances of members.—Members of the Legislative Assembly of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative Assembly of the State by law and, until provision in that respect is so made, such allowances as the Chief Commissioner may, with the approval of the President, by order determine.

21. Extent of legislative power.—(1) Subject to the provisions of this Act, the Legislative Assembly of a State may make laws for the whole or any part of the State with respect to any of the matters enumerated in the State List or in the Concurrent List :

Provided that the Legislative Assembly of the State of Delhi shall not have power to make laws with respect to any of the following matters, namely :—

(*a*) public order,

(*b*) police including railway police ;

(*c*) the constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi ;

(*d*) lands and buildings vested in or in the possession of the Union which are situated in Delhi or in New Delhi including all rights in or over such lands and buildings, the collection of rents therefrom and the transfer and alienation thereof ;

(*e*) offences against laws with respect to any of the matters mentioned in the foregoing clauses ;

(*f*) jurisdiction and powers of all courts, with respect to any of the said matters ; and

(*g*) fees in respect of any of the said matters other than fees taken in any court.

(2) Nothing in sub-section (1) shall derogate from the power conferred on Parliament by the Constitution to make laws with respect to any matter for a State or any part thereof.

22. Inconsistency between laws made by Parliament and laws made by the Legislative Assembly of a State.—If any provision of a law made by the Legislative Assembly of a State is repugnant to any provision of a law made by Parliament, then the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the State, shall prevail and the law made by the Legislative Assembly of the State shall, to the extent of the repugnancy, be void.

Explanation.—For the purposes of this section, the expression "law made by Parliament" shall not include any law which provides for the extension to the State of any law in force in any other part of the territory of India.

23. Sanction of the C ief Commissioner required for certain legislative proposals.—No Bill or amendment shall be introduced into, or moved in, the Legislative Assembly of a State without the previous sanction of the Chief Commissioner, if such Bill or amendment makes provision with respect to any of the following matters, namely :—

(*a*) constitution and organisation of the court of the Judicial Commissioner ;

(*b*) jurisdiction and powers of the court of the Judicial Commissioner with respect to any of the matters in the State List or in the Concurrent List ;

(*c*) State Public Service Commission.

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24. Special provisions as to financial Bills.—(1) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly of a State except on the recommendation of the Chief Commissioner, if such Bill or amendment makes provision for any of the following matters, namely :—

(*a*) the imposition, abolition, remission, alteration or regulation of any tax ;

(*b*) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State ;

(*c*) the appropriation of moneys out of the Consolidated Fund of the State ;

(*d*) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure ;

(*e*) the receipt of money on account of the Consolidated Fund of the State or the custody or issue of such money ;

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State shall not be passed by the Legislative Assembly of a State unless the Chief Commissioner has recommended to that Assembly the consideration of the Bill.

25. Procedure as to lapsing of Bills.—(1) A Bill pending in the Legislative Assembly of a State shall not lapse by reason of the prorogation of the Assembly.

(2) A Bill which is pending in the Legislative Assembly of a State shall lapse on a dissolution of the Assembly.

26. Assent to Bills.—(1) When a Bill has been passed by the Legislative Assembly of a State, it shall be presented to the Chief Commissioner and the Chief Commissioner shall reserve the Bill for the consideration of the President.

(2) When a Bill is reserved by a Chief Commissioner for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom :

Provided that the President may direct the Chief Commissioner to return the Bill to the Legislative Assembly together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration.

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27. Requirements as to sanction and recommendations to be regarded as matters of procedure only.—No Act of the Legislative Assembly of a State, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given by the President.

28. Annual financial statement.—(1) The Chief Commissioner of each State shall in respect of every financial year cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, a statement of the estimated receipts and expenditure of the State for that year, in this part referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(*a*) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the State, and

(*b*) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the State,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Consolidated Fund of each State—

(*a*) the emoluments and allowances of the Chief Commissioner and other expenditure relating to his office as determined by the President by general or special order;

(*b*) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(*c*) expenditure in respect of the salaries and allowances of a Judicial Commissioner;

(*d*) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(*e*) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly of the State to be so charged.

29. Procedure in Legislative Assembly with respect to estimates.—(1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of the State shall not be submitted to the vote of the Legislative Assembly of the State, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Chief Commissioner.

30. Appropriation Bills.—(1) As soon as may be after the grants under section 29 have been made by the Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State of all moneys required to meet—

(*a*) the grants so made by the Assembly, and

(*b*) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the Assembly.

(2) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the State, and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(3) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this section.

31. Supplementary, additional or excess grants.—(1) The Chief Commissioner shall—

(*a*) if the amount authorised by any law made in accordance with the provisions of section 30 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(*b*) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Legislative Assembly of the State, with the previous approval of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly of the State with such previous approval a demand for such excess, as the case may be.

(2) The provisions of sections 28, 29 and 30 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out the Consolidated Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure or grant.

32. Rules of Procedure.—(1) The Legislative Assembly of a State may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business :

Provided that the Chief Commissioner shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(*a*) for securing the timely completion of financial business ;

(*b*) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the State.

(2) Until rules are made under sub-section (1), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before this section comes into force in any State shall have effect in relation to the Legislative Assembly of that State subject to such modifications and adaptations as may be made therein by the Chief Commissioner.

33. Language to be used in the Legislative Assembly.—(1) Notwithstanding anything in Part XVII of the Constitution but subject to the provisions of article 348, business in the Legislative Assembly of a State shall be transacted in the official language or languages of the State or in Hindi or in English.

(2) Unless Parliament or the Legislative Assembly of the State by law otherwise provides, this section, shall, after the expiration of a period of fifteen years from the commencement of the Constitution, have effect as if the words "or in English" were omitted therefrom.

34. Restriction on discussion in the Legislative Assembly.—No discussion shall take place in the Legislative Assembly of a State with respect to the conduct of any Judicial Commissioner or of any judge of the Supreme Court or of a High Court in the discharge of his duties.

35. Courts not to inquire into proceedings of the Legislative Assembly.—(1) The validity of any proceedings in the Legislative Assembly of a State shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of the Legislative Assembly of a State in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III.

COUNCIL OF MINISTERS.

36. Council of Ministers.—(1) There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to which the Legislative Assembly of the State has power to make law except in so far as he is required by any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter, the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary:

Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this sub-section shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary.

(2) The Chief Commissioner shall, when he is present, preside at meetings of the Council of Ministers, and, when the Chief Commissioner is not present, the Chief Minister or, if he is also not present, such other Minister as may be determined by the rules made under sub-section (1) of section 38, shall preside at meetings of the Council.

(3) If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Chief Commissioner thereon shall be final.

(4) If in the State of Delhi any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Chief Commissioner thereon shall be final :

Provided that in case of any difference of opinion between the Chief Commissioner and his Ministers on such question, it shall be referred for the decision of the President and his decision shall be final.

(5) The question whether any, and if so what, advice was tendered by Ministers to the Chief Commissioner shall not be inquired into in any court.

37. Other provisions as to Ministers.—(1) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister.

(2) The Ministers shall hold office during the pleasure of the President.

(3) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.

(4) Before a Minister enters upon his office, the Chief Commissioner shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Fourth Schedule.

(5) A Minister who for any period of six consecutive months is not a member of the Legislative Assembly of the State shall at the expiration of that period cease to be a Minister.

(6) The salaries and allowances of Ministers shall be such as the Legislative Assembly of the State may from time to time by law determine, and, until the Legislative Assembly so determines, shall be determined by the Chief Commissioner with the approval of the President.

38. Conduct of business.—(1) The President shall make rules—

(*a*) for the allocation of business to the Ministers ; and

(*b*) for the more convenient transaction of business with the Ministers including the procedure to be adopted in the case of a difference of opinion between the Chief Commissioner and the Council of Ministers or a Minister and in relation to any matter concerning New Delhi.

(2) All executive action of the Chief Commissioner, whether taken on the advice of his Ministers or otherwise, shall be expressed to be taken in the name of the Chief Commissioner.

(3) Orders and other instruments made and executed in the name of the Chief Commissioner shall be authenticated in such manner as may be specified in rules to be made by the Chief Commissioner, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Chief Commissioner.

PART IV.

MISCELLANEOUS.

39. Consolidated Fund of the State.—(1) As from the first day of April, 1952, in the case of any of the States of Ajmer, Bhopal, Coorg, Delhi,

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Himachal Pradesh and Vindhya Pradesh, and as from such date as may be appointed in this behalf by the Central Government by notification in the Official Gazette in the case of any other State, all revenues received in that State by the Government of India or the Chief Commissioner in relation to any matter with respect to which the Legislative Assembly of that State has power to make laws, and all grants made from the Consolidated Fund of India to that State shall form one consolidated fund to be entitled "the Consolidated Fund of the State".

(2) No moneys out of the Consolidated Fund of a State shall be appropriated except in accordance with, and for the purposes and in the manner provided in, this Act:

Provided that the balance standing at any time at the credit of the Consolidated Fund of a State shall not be less than such amount as the President may by order specify.

(3) The custody of the Consolidated Fund of a State, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Chief Commissioner with the approval of the President.

40. Relation of Chief Commissioner and his Ministers to the President.—Notwithstanding anything in the foregoing provisions of this Act, the Chief Commissioner and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

41. Provision in case of failure of constitutional machinery.—If the President, on receipt of a report from the Chief Commissioner of a State or otherwise, is satisfied that a situation has arisen in which the administration of the State cannot be carried on in accordance with the provisions of this Act, the President may, by order, suspend the operation of all or any of the foregoing provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the State in accordance with the provisions of article 239.

42. Constitution of Councils of Advisers in the case of certain States.—The President may, by notification in the Official Gazette, constitute for any of the States of Kutch, Manipur and Tripura a Council of Advisers consisting of such number of members as he may think fit for the purpose of assisting the Chief Commissioner in the discharge of such of his functions under article 239 as may be specified by the President, and the notification constituting such Council shall define the powers to be exercised and the procedure to be followed by the Council.

43. Power of the President to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act and, in particular, in relation to the constitution of the Legislative Assembly for any State, the President may by order do anything not inconsistent with such provisions which appear to him to be necessary or expedient for the purpose of removing the difficulty.

44. Amendment of certain enactments.—The enactments specified in the Fifth Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE FIRST SCHEDULE 168

[*See* SECTIONS 1 (2) AND 2 (2)]

SCHEDULED CASTES IN CERTAIN PART C STATES

Ajmer

1. Aheri
2. Bagri
3. Balai
4. Bambhi
5. Bansphod
6. Baori
7. Bargi
8. Bazigar
9. Bhangi
10. Bidakia
11. Chammar
12. Dabgar
13. Dhanak
14. Dhed
15. Dhobi
16. Dholi
17. Dom
18. Garoda
19. Gancha
20. Jatava
21. Kalbelia
22. Kanjar
23. Khangar
24. Khatik
25. Koli
26. Koria
27. Kuchband
28. Mahar
29. Meghwal
30. Mochi
31. Nat
32. Pasi
33. Raigar
34. Rawal
35. Sarbhangi
36. Sargara
37. Satia
38. Thori
39. Tirgar
40. Sansi

Bhopal

1. Balahi
2. Basar
3. Bedia
4. Beldar
5. Chamar
6. Chitar
7. Dhanuk
8. Dome
9. Kanjar
10. Khatik
11. Koli
12. Mehtar, Bhangi
13. Mahar
14. Mang
15. Nut
16. Silawat

Coorg

1. Adi Draivda
2. Adi Karnataka
3. Adiya
4. Balagai
5. Holeya
6. Madiga
7. Muchi
8. Mundala
9. Panchama
10. Paraya
11. Poleya
12. Samagara

Delhi

1. Adi-Dharmi
2. Agria
3. Aheria
4. Balai
5. Banjara
6. Bawaria
7. Bazigar
8. Bhangi
9. Bhil
10. Chamar
11. Chanwar Chamar
12. Chohra (Sweeper)
13. Chuhra (Balmiki)
14. Dhanak or Dhanuk
15. Dhobi
16. Dom
17. Gharrami
18. Jatya or Jatav Chamar
19. Julha (Weaver)
20. Kabirpanthi

Delhi—(concld.)

21. Kachbandha
22. Kanjar
23. Khatic
24. Koli
25. Lalbegi
26. Madari
27. Mallah
28. Mazhabi
29. Megwal
30. Mochi
31. Nat (Rana)
32. Pasi
33. Perna
34. Ram Dasia
35. Ravidasi or Raidasi
36. Rehgarh or Raigar
37. Sansi
38. Sapera
39. Sikligar
40. Singiwala or Kallbelia
41. Sirkiband

Himachal Pradesh

1. Ad-dharmi
2. Balmiki or Chura or Bhangi or Sweeper
3. Bangali
4. Banjara
5. Barar
6. Bawaria
7. Bazigar
8. Besi
9. Bhanjra
10. Chamar
11. Chanal
12. Dagi
13. Daole
14. Dhaki or Toori
15. Doom or Doomna
16. Kabirpanthi or Julaha or Keer
17. Koli
18. Mazhabi
19. Mochi
20, Nat
21. Od
22. Pasi
23. Phrera
24. Ramdasi or Ravidasi
25. Ramdasia
26. Rehar
27. Sansi
28. Sapela
29. Sikligar
30. Sirkiband

Vindhya Pradesh

1. Basor (Bansphor)
2. Chamar
3. Dahait
4. Dharkar
5. Dher
6. Dom
7. Domar or Doris
8. Kuchpandhia
9. Mehtar or Bhangi o Dhanuk.
10. Mochi

THE SECOND SCHEDULE

[*See* SECTIONS 1(*2*) AND 2(*2*)]

SCHEDULED TRIBES IN CERTAIN PART C STATES

Bhopal

1. Bhil
2. Gond
3. Karku
4. Keer
5. Mogia
6. Pardhi
7. Saharia, Sosia or Sor

Coorg

1. Korama
2. Kudiya
3. Kuruba
4. Maratha
5. Meda
6. Yerava

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Vindhya Pradesh

1. Agaria
2. Baiga
3. Bedia
4. Bhil
5. Bhumia
6. Biar (Biyar)
7. Gond
8. Kamar
9. Khairwar
10. Majhi
11. Mawasi
12. Panika
13. Pao
14. Sonr

THE THIRD SCHEDULE

[*See* SECTIONS 1(*2*) AND 3 (*4*)]

Table of seats in the Legislative Assemblies

State	Total number of seats	Seats reserved for Scheduled Castes	Seats reserved for Scheduled Tribes
1	2	3	4
Ajmer	30	6	...
Bhopal	30	5	2
Coorg	24	3	3
Delhi	48	6	...
Himachal Pradesh	36	8	...
Vindhya Pradesh	60	6	6

THE FOURTH SCHEDULE

[*See* SECTIONS 14 AND 37(*4*)]

FORMS OF OATHS OR AFFIRMATIONS

I

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE LEGISLATIVE ASSEMBLY

"I, A.B., having been elected a member of the Legislative Assembly, of do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

II

FORM OF OATH OF OFFICE FOR A MEMBER OF THE COUNCIL OF MINISTERS.

"I, A.B., do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established, that I will faithfully and conscientiously discharge my duties as a Minister for the State of ....and that I will do right to all manner of people in accordance with the constitution and the law without fear or favour, affection or illwill."

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III

FORM OF OATH OF SECRECY FOR A MEMBER OF THE COUNCIL OF MINISTERS.

"I. A.B., do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the State of.....except as may be required for the due discharge of my duties as such Minister."

THE FIFTH SCHEDULE

[*See* SECTIONS 1 (2) AND 44.]

Enactments amended

Year	Number	Short title	Amendments
1	2	3	4
1950	XLIII	The Representation of the People Act, 1950.	In clause (*cc*) of section 2, for the words, figures and letter "or group of such States referred to in section 27A" the words "specified in the first column of the Fifth Schedule" shall be substituted. In section 27A— (*i*) for the first and the second provisos to sub-section (1) the following proviso shall be substituted, namely :— "Provided that for the purpose of filling the seat allotted to the States of Ajmer and Coorg or to the States of Manipur and Tripura, there shall be an Electoral College for each of the said States." ; (*ii*) in sub-sections (2), (3) and (4), the words "or group of States", wherever they occur, shall be omitted ; (*iii*) in sub-section (3), the words "as the case may be" shall be omitted ; (*iv*) for sub-section (5), the following sub-sections shall be substituted, namely :— "(5) The electoral college for each of the States of Ajmer, Bhopal, Coorg, Delhi and Vindhya Pradesh shall consist of the members of the Legislative Assembly of that State.

Year	Number	Short title	Amendments
1	2	3	4
			(6) The electoral college for the group of States of Bilaspur and Himachal Pradesh shall consist of— (*a*) the member of the House of the People representing the State of Bilaspur ; and (*b*) the members of the Legislative Assembly of the State of Himachal Pradesh." In section 27B, the words "or group of States" shall be omitted. In clause (*a*) of section 27C, the words "or group of States" in the two places where they occur, shall be omitted. For section 27E, the following section shall be substituted, namely :— "27E. *Procedure as to orders delimiting Constituencies.*—The Election Commission shall, in consultation with the Advisory Committee set up under sub-section (1) of section 13 in respect of each Part C State specified in the first column of the Fifth Schedule, formulate proposals as to the delimitation of constituencies in that State under section 27C and submit the proposals to the President for making the order under that section." In sub-section (1) of section 27F, the words "or group of States" in the two places where they occur, shall be omitted. In sub-section (1) of section 27I, for the words "elected members of the Coorg Legislative Council" in the two places where they occur, the words "members of the electoral college for the State of Coorg" shall be substituted. In section 27J, the words "or the elected members of the Coorg Legislative Council" and the words "or Council, as the case may be" shall be omitted.

Year	Number	Short title	Amendments
1	2	3	4
			For section 27K, the following section shall be substituted, namely :— "27K. *Electoral Colleges for certain States for which Legislative Assemblies have been constituted.*—Notwithstanding anything in the foregoing provisions of this Part, if a Legislative Assembly is constituted under the Government of Part C States Act, 1951, for any of the States specified in the first column of the Fifth Schedule, then as from the date on which the Legislative Assembly of such State is after having been duly constituted under that Act, summoned to meet for its first session, any electoral college for the time being functioning for such State under section 27A shall be deemed to be dissolved and the electoral college for such State shall be deemed to consist of the elected members of the Legislative Assembly of that State." For the Fifth Schedule, the following Schedule shall be substituted, namely :— "The Fifth Schedule. [*See* sections 27A(2), 27B, 27C(a), 27E, 27F(1) and 27K.] *Number of members of Electoral Colleges.*
			Name of State — Number of members 1 — 2 1 Kutch ... 30 2 Manipur ... 30 3 Tripura ... 30."
1951	XLIII	The Representation of the People Act, 1951.	In clause (*j*) of sub-section (1) of section 2, the words "or group of such States" shall be omitted.

Year	Number	Short title	Amendments
1	2	3	4
			In clause (*b*) of sub-section (2) of section 12, the words "and also the elected members of the Coorg Legislative Council, if necessary" shall be omitted. In the proviso to section 13, the words "or group of such States" and "or group of States" shall be omitted. In section 39— (*i*) in sub-section (1), the words "or by the elected members of the Coorg Legislative Council" shall be omitted; (*ii*) in sub-section (2), the words "or the elected members of the Coorg Legislative Council" shall be omitted; (*iii*) in clause (*a*) of the third proviso to sub-section (4), the words "or by the elected members of the Coorg Legislative Council" and the words "or to the list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted. In sub-section (3) of section 53, the words "or the elected members of the Coorg Legislative Council" in the two places where they occur, shall be omitted. In sub-section (2) of section 71, the words "including the elected members of the Coorg Legislative Council" shall be omitted. In section 147, the words "or the elected members of the Coorg Legislative Council" shall be omitted. In sub-section (2) of section 152, the words "or by the elected members of the Coorg Legislative Council" and the words "or a list of elected members of the Coorg Legislative Council, as the case may be" shall be omitted.

K. V. K. SUNDARAM,
Secretary to the Government of India.

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PART IV

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Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. L.D. 1214—Legis. 5-51-46, dated Bangalore, 22nd September 1951.

Ordered that Notification No. S.R.O. 1377, dated the 10th September 1951 of the Ministry of Law amending the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 10th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

NOTIFICATION

New Delhi, the 10th September 1951.

S.R.O. 1377.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, is pleased to make the following amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951—

1. After rule 11 of the said Rules, the following rule shall be inserted, namely :—

"11-A. *Appointment of election agent.*—When a candidate appoints in the manner provided by section 40 some person other than himself to be his election agent, such appointment shall be in Form 5-A."

2. In Schedule I to the said rules, after Form 5, the following Form shall be inserted, namely :—

"FORM 5-A

(*Rule* 11-A)

Form of appointment of election agent

I, ...of..... ....., a candidate at the election

*House of the People
Legislative Assembly
Legislative Council
Electoral College

from.....Constituency

to the _____

*Council of States
Legislative Council by the

*elected members of ....Legislative Assembly

members of..... .....Electoral College

members of.....Legislative Assembly

to be held in.....19 , hereby appoint..... .....

of.....as my election agent from this date until the return and declaration respecting election expenses had been made by him.

I agree to reimburse the said (name of the election agent) all payments and disbursements lawfully made by him in the course of his duties as my election agent and to pay him a remuneration of.....for his services.

Dated this.....day of.....19 .

Signature of Candidate.

I accept the above appointment.

Signature of the election agent.

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*Only the appropriate alternative should be used."

[No. F. 134/51-C.]

S. N. MUKERJEE, *Joint Secy.*

NOTIFICATION.

No. C. 940—Co. 40-50-62, dated Bangalore, 21st September 1951.

Ordered that the accompanying Notification No. 3 (4)-PC/51, dated the 12th September 1951, of the Government of India, Ministry of Commerce and Industry under the Supply and Prices of Goods Act, 1950 (LXX of 1950) be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION.

New Delhi, the 12th September 1951.

3 (4)-PC/51.—In exercise of the powers conferred by Section 4 of the Supply and Prices of Goods Act 1950 (LXX of 1950), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Ministry of Industry and Supply, No. S.R.O. 499, dated the 2nd September, 1950, namely :—

In the schedule annexed to the said notification in column 2 under the heading 'Maximum retail price', the following shall respectively be substituted for the existing entries against item (1) to (4) under the heading "A-Hind Cycles":—

Rs. 143-8-0 per cycle.
Rs. 148-8-0 per cycle.
Rs. 148-8-0 per cycle.
Rs. 153-8-0 per cycle.

P. S. SUNDARAM,
Under Secy.

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PART IV

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Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(HOME DEPARTMENT.)

H.A. 5845-7—Pol. 247-51-2, dated Bangalore, 21st September 1951.

In exercise of the powers confered by sub-section (1) of Section 3 of the Mysore Police Act, 1908 (Act V of 1908), His Highness the Maharaja of Mysore is pleased to extend the provisions of Section 56 of the Mysore Police Act, 1908, as amended from time to time, to Viduraswatha, Kadirenahalli and Doddakurugodu villages of Goribidanur Taluk, Kolar District.

By Order of His Highness the Maharaja,
E. V. GANAPATI IYER,
Chief Secretary to Government.

No. T. 8646—R.T. 73-51-2, dated Bangalore, 17th September 1951.

In exercise of the powers conferred by rule 425 of the Mysore Motor Vehicles and Road Traffic Rules, 1945, His Highness the Maharaja of Mysore is pleased to direct that the new motor vehicle belonging to Messrs. The Mysore Kirloskar, Ltd., Harihar, bearing Engine No. T-148-65059 and Chassis No. 80365426, be exempted from the operation of rule 319 of the said Rules and permitted to have a overhang upto 52 per cent of the wheel base.

No. L.B. 6731—L.B. 26-51-4, dated Bangalore, 22nd September 1951.

In exercise of the powers conferred by Sections 34 and 35 of the Mysore Mines Act, 1906 (Mysore Act IV of 1906), His Highness the Maharaja of Mysore is pleased to direct that the following amendment shall be made in the rules for the special sanitation of the local area issued in Notification No. 7075—L.B. 185-12-3, dated 22nd March 1916, namely :—

Rule 7 of the said rules shall be re-numbered as sub-rule (1) of that rule and after the rule as so re-numbered, following sub-rule shall be added, namely :—

"(2) The Sanitary Board may, with the previous sanction of the Government, constitute Committees to advise the Board in the exercise of its powers and the discharge of its duties, and may with like sanction frame bye-laws for regulating the conduct of the business of such committees."

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

NOTIFICATION.

No. L. 6715—Ml. 150-51-1, dated 25-9-1951.

In exercise of the powers conferred by sections 13 and 208 (2) (b) of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to make the following rules, namely :—

Short title and definitions.

1. (1) These rules may be called the Mysore Town Municipalities Election Rules, 1951.

(2) In these rules, unless there is anything repugnant in the subject or context :—

(a) "Act" means the Mysore Town Municipalities Act, 1951;

(b) "Deputy Commissioner" means the Deputy Commissioner of the District in which the Municipality concerned is situated;

(c) "Division or constituency" means the territorial division of the Municipality fixed in accordance with the provisions of section 11 of the Act.

(d) "Form" means a form appended to these rules;

(e) "Returning Officer" means the Amildar of the Taluk in which the Municipality is situated, and

(f) All other expressions shall have the meaning respectively assigned to them under the Act.

Electoral Roll.

2. Two months prior to the date of expiry of the term of office of the municipal councillors, the Returning Officer shall prepare for every division an electoral roll in which shall be included the names of all persons appearing to be entitled to be registered therein. It shall be published in the division together with a notice specifying the mode in which and the time within which claims for inclusion in the roll or objections to any names or particulars entered in the roll are to be preferred.

General conditions for registration in the electoral roll.

3. Every person shall be entitled to have his name included in the electoral roll for a division if he is entitled to be registered in such roll under the provisions of the Act.

Form and language of the electoral roll.

4. The electoral roll for each constituency shall be prepared in Kannada in Form I.

Contents of the electoral roll.

5. The electoral roll shall contain—

(a) the number and name of division;

(b) the name of each elector;

(c) the name of the father of each elector, or if the elector is a woman the husband's name, or other identifying particulars;

(d) the sex of each elector;

(e) the age of each elector;

(f) the number of the house at which each elector resides;

Publication of the preliminary electoral roll.

6. The electoral roll shall be published at the Municipal Office, in the Taluk Office and in such other conspicuous places in each division as the Returning Officer may deem fit.

Claims and objections.

7. (1) Any person whose name is not entered in the roll or is entered in an incorrect place or manner or with incorrect particulars, or any person whose name is entered in the roll and who objects to the inclusion of his own name or the name of any other persons in the roll, may prefer a claim or objection to the Returning Officer.

(2) All such claims and objections shall be made in writing and not later than three o'clock in the afternoon on the fourteenth day from the date of publication of the electoral roll. Claims and objections received after that time shall be rejected by the Returning Officer.

(3) A claim or objection shall be accompanied by any documents on which the claimant or objector relies.

Enquiry into claims and objections.

8. (1) The Returning Officer shall hold a summary enquiry into the claims or objections preferred and shall record his decision in writing.

(2) For the purpose of the Returning Officer's enquiry, the roll as published, shall be presumed to be correct and complete until the contrary is proved.

(3) No party shall be represented by any legal practitioner at any proceeding under the provisions of this rule.

Amendment of electoral roll.

9. The Returning Officer shall amend the roll in accordance with his decisions on all claims and objections. He may also of his own motion order the correction of any clerical error or printing mistakes therein.

Orders of the Returning Officer to be final.

10. The orders passed by the Returning Officer under rules 8 and 9 shall be final.

Publication of the final electoral roll.

11. (1) The Returning Officer shall publish the final electoral roll with the said amendments in the manner specified in rule 6 within ten days from the last date of receipt of objections.

(2) One copy of the final electoral roll as published shall be certified by the Returning Officer and forwarded to the Deputy Commissioner for being deposited.

(3) Such number of copies of the final electoral roll as published, as the Returning Officer deems to be sufficient, shall be kept by him for sale.

Custody and preservation of the electoral roll, etc.

12. The following papers namely,—

(i) the preliminary electoral rolls published under the provision of rule 6;

(ii) claims and objections having reference to the preliminary rolls, the registers recording such claims and objections and the orders of the Returning Officer thereon;

(iii) the final electoral roll published under the provision of rule II;

shall be preserved in the municipal record room until after the next revision of the electoral rolls and shall then be destroyed or sold as waste paper.

Electoral rolls, etc., to be available for public inspection.

13. Any member of the public shall have a right to inspect any of the papers specified in the last preceding rule on payment of a fee of two rupees and to obtain certified and attested copies thereof on payment of the same fees as are prescribed for copies of revenue records.

General Elections.

14. A general election shall be held for the purpose of constituting the municipal council under the Act and thereafter, a general election shall be held, as often as may be necessary, for the constitution of a new municipal council, before the expiration of the term of the previous municipal council.

Publication of election calendar.

15. Not less than one month before the date fixed for an election, the Returning Officer shall publish a notice stating :—

(*a*) the number of persons to be elected ;

(*b*) the divisions for which they are to be elected ;

(*c*) if any seat is reserved, the division in which it is reserved ;

(*d*) the date on which and the places at which notices of candidature should be presented, an interval of twenty days being allowed between the date fixed for the election and the last date for presentation of notices of candidature ;

(*e*) the person to whom the notice of candidature should be presented ;

(*f*) the dates on which the notices of candidature will be taken up for scrutiny;

(*g*) the date on or before which candidature may be withdrawn;

(*h*) the day on which, and the place or places where the votes of the electors will be taken, should there be a poll, and the hours during which the poll will be taken, not being less than eight hours between 8 A.M. and 6 P.M.; and

(*i*) the day on which and the place and hour at which the Returning Officer will commence the counting of the votes.

The Returning Officer shall cause the notice to be published in the *Mysore Gazette* and the local daily newspapers, if any, and copies thereof shall be affixed in the municipal office and the taluk office and in important places in each division for which the election is to be held.

Qualification for candidates.

16. Any person who is qualified to be a candidate may stand for election either in the division for which his name is entered in the electoral roll or in any other division:

Provided that no person who does not belong to the Scheduled Castes shall stand as a candidate for a seat reserved for the Scheduled Castes.

Presentation of notice of candidature.

17. (1) On or before the date specified in clause (*d*) of rule 15 for the presentation of notices of candidature, each candidate shall, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon, deliver personally to the Returning Officer, or to such other person as may be authorised by the Returning Officer by a notification published in this behalf.

(2) The notice of candidature shall be in Form II. The candidate for councillorship shall be nominated in writing by two persons entitled to vote in the Division to which a person is to be elected. It shall bear an endorsement signed by the nominee specifying his willingness to serve as a Councillor. The notice of candidature may also be delivered by the nominators personally to the Returning Officer on the date specified in sub-rule (1).

Explanation.—Notices delivered any time other than the hours prescribed above shall be treated as delivered on the next working day.

Latest hour for presentation of notice of candidature.

18. Any notice of candidature which is not received before three o'clock in the afternoon on the date appointed under clause (*d*) of Rule 15 for the presentation of notices of candidature shall be rejected.

Supply of notices of candidature.

19. Printed copies of the forms of notices of candidature shall, on application, be supplied to any elector in the division by the office of the Returning Officer thereof on payment of two annas per copy.

Deposits by candidates.

20. (1) At the time of delivery of notice of candidature, each candidate shall enclose with the notice of candidature, a treasury or bank receipt (challan) showing that a deposit of fifty rupees has been made by him or on his behalf in the treasury or bank notified by the Returning Officer. A separate deposit shall be required in respect of each division for which he wishes to stand as a candidate.

Provided that the sum to be deposited by a candidate who is a member of the Scheduled Castes shall be twenty five rupees.

(2) No notice of candidature shall be deemed to be valid unless the deposit has been made.

Procedure upon receipt of notice of candidature.

21. On the presentation of notice of candidature, the Returning Officer or other person authorised under Rule 17, shall inform the candidate of the date, time and place appointed for the scrutiny of notices of candidature and shall enter in the notice of candidature its serial number, shall sign thereon a certificate stating the date on which and the hour at which the notice of candidature has been delivered to him and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a copy of the notice of candidature.

Scrutiny of notices of candidature.

22. At the time of scrutiny of notices of candidature the candidates, but no other person, may attend at the office of the Returning Officer or at such other place as he may appoint, and the Returning Officer, or other person authorised under Rule 17, shall give them all reasonable facilities for examining the notices of candidature of all candidates standing for election for the division concerned.

Disposal of objections and rejection of notice of candidature.

23. (1) On the third day after that fixed for the presentation of notices of candidature, at a time to be intimated, the Returning Officer shall examine the notices of candidature and shall decide all objections which may be made to any notice of candidature, and may either on such objection or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any notice of candidature on any of the following grounds:—

(*a*) that the candidate is not qualified or is disqualified for election under the provisions of the Act or of these rules;

(*b*) that there has been any failure to comply with any of the provisions of rules 17 and 20;

(*c*) that the candidate is not identical with the person whose number or name on the electoral roll is given in the notice of candidature as the number or name of such candidate;

(*d*) that the signature of the candidate is not genuine or has been obtained by fraud and

(*e*) that the proposer or seconder is a person whose name is not registered on the electoral roll.

(2) Nothing contained in this rule shall be deemed to authorise the rejection of any notice of candidature on the ground of any irregularity, if the candidate has delivered another notice of candidature in respect of which no irregularity has been committed.

Completion of scrutiny.

24. (1) The Returning Officer or other person authorised under rule 17, shall endorse on each notice of candidature his decision accepting or rejecting the same and, if the notice of candidature is rejected, shall record in writing a brief statement of his reasons for such rejection.

(2) The scrutiny shall be completed on the same day and no adjournment of the proceedings shall be allowed.

Withdrawal of candidature.

25. (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered in person to the Returning Officer, or the person authorised under rule 17 not later than 3 P.M. of the next working day after the scrutiny of the nomination papers.

(2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to present a notice of candidature for the same election.

Appeals against rejection of candidature by the Returning Officer.

26. (*a*) On an application by a candidate whose nomination paper is rejected, the Returning Officer shall, within twenty-four hours of the receipt of such application, grant him a copy of the order rejecting the nomination paper.

(b) An appeal by any aggrieved person against the order rejecting the nomination paper shall lie to the Deputy Commissioner, provided it is made within three days of the date of such order and accompanied by a copy of the same. The order passed by the Deputy Commissioner on such an appeal shall be final.

(c) On receipt of the application of appeal, the Deputy Commissioner shall, within four days of its presentation, give his decision thereon and immediately communicate the decision to the Returning Officer.

Notification of withdrawal.

27. The Returning Officer, or the person authorised under rule 17, shall, on receiving a notice of withdrawal under rule 25, as soon as may be, cause a copy of such notice to be affixed in some conspicuous place in the municipal office and in his office.

Publication of the list of candidates.

28. After the expiry of the period within which candidatures may be withdrawn under rule 25, the Returning Officer or the person authorised under rule 17, shall, after assigning to each candidate, any of the symbols from the list specified in the schedule to these rules, prepare a list in Form III showing the names of the candidates whose notices of candidature are valid and who have not withdrawn, with the symbols, assigned to them and with distinguishing particulars as to occupation etc., if there are two or more candidates bearing the same name, and cause it to be affixed in some conspicuous place in the municipal office at 5 O'clock on the next day after the day fixed for the withdrawal of nomination papers.

Procedure after the publication of the list of candidates.

29. The following provisions shall apply in respect of candidates whose nominations have not been rejected and who have not withdrawn their candidature :—

(a) if there is only one candidate, the Returning officer shall declare such candidate to be duly elected to such general or reserved seat.

(b) If there are two or more candidates the Returning Officer shall arrange for a poll to be taken ; and

(c) if there is no candidate, the seat shall be filled up in accordance with the provisions of section 10 of the Act.

30. If a person whose candidature has been notified under clause (*b*) of Rule 29 withdraws or dies before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the candidate's withdrawal or death, cancel his name in the list of candidates if there is sufficient time to do so before the date fixed for polling: Disqualification or death of candidates before commencement of poll.

Provided that a failure to make such cancellation shall not affect the election proceedings.

31. Votes shall be given by ballot and in person and in the manner provided therefor in these rules, save as otherwise provided in rule 50. No votes shall be given by proxy. Votes to be given by ballot.

32. The Returning Officer shall select for the whole or so much of any division as many polling stations and as many polling booths in each polling station as he thinks necessary and allot an electoral area, to be known as polling area, for each polling station or booth as the case may be. Selection of polling stations, booths and polling areas.

33. (1) The Returning Officer shall appoint a polling officer for each polling station and may, if necessary, appoint such other persons (hereafter referred to as polling clerks) as he thinks necessary to assist the polling officer: Appointment of polling clerks, etc.

Provided that, if a polling clerk is absent from a polling station, the polling officer may appoint any person who is present at the polling station to be a polling clerk during the absence of the former clerk and inform accordingly the Returning Officer.

(2) If the polling officer, owing to illness or other unavoidable cause, is obliged to absent himself from a polling station, his duties shall be performed by one of the polling clerks, who shall be duly authorised in this behalf by the Returning Officer.

34. The polling officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except:— Duties of polling officer.

(*a*) the polling clerks;

(b) the candidate and at each booth (one agent of each candidate appointed in writing by the candidate and approved by the Returning Officer) where a division has more than one booth.

(c) the police or other public servants on duty, and,

(d) such other persons as the polling officer may, from time to time, admit for the purpose of identifying the electors.

Removal for misconduct at polling station.

35. If any person misconducts himself at the polling station or fails to obey the lawful orders of the polling officer or the polling clerk performing the duties of the polling officer, he may immediately, by order of the polling officer, or such polling clerk, be removed from the polling station by any police officer or by any other person authorised in writing by the polling officer or such polling clerk to remove him, and the person so removed shall not, except with the permission of the polling officer or such polling clerk, be allowed again to enter the polling station during the day:

Provided that this power shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Who may vote at a polling station.

36. Subject to the provisions of rule 50, no elector shall be admitted to vote except at the polling station fixed under rule 32 for the polling area under which his name appears on the electoral roll.

Close of polling.

37. The polling officer shall close the polling station at the hour appointed for closing the poll, so as to prevent the admission thereto of any elector after that hour:

Provided that, if any elector to whom a ballot paper has been delivered is in the polling station at the hour aforesaid, such voter shall be allowed to record his vote.

Arrangements for secrecy of voting.

38. Each polling station or booth, as the case may be, shall contain a separate compartment in which electors can record their votes screened from observation, except in so far as it may be necessary to ensure that the ballot papers are duly placed in the box. As far as possible,

separate compartments and separate entrances and exits shall be provided for women electors.

Supply of election materials and ballot boxes.

39. The Returning Officer shall provide in each polling compartment at each polling station, as many ballot boxes as there are candidates, the box of each candidate bearing the serial number and the distinctive symbol assigned to him. He shall also provide a sufficient number of envelopes bearing the distinctive symbol assigned to the candidates to give effect to sub-rule (3) of rule 50, together with he necessary outer covers, copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the station, and such other papers, stationery and forms as may be necessary.

Sealing of ballot box before commencement of poll.

40. Every ballot box shall be so constructed that the ballot papers shall be introduced therein, but cannot be withdrawn therefrom, without the box being unlocked. The polling officer shall, immediately before the commencement of the poll, lock the ballot boxes and place a seal upon them in such manner as to prevent their being opened without breaking such seal. He shall thereupon place the boxes so locked and sealed inside the polling compartment for the receipt of ballot papers, but screened from observation except so far as it may be necessary to ensure that the ballot papers are duly placed in it.

Exhibition of notice at polling station.

41. A notice shall be put up at the entrance to the polling station giving the numbers and names of the candidates as published in Form III. There shall be given against the name of each candidate both a description and a sample of the distinguishing symbol to be used on the ballot box assigned to the candidate.

Supply of ballot papers and ballot boxes to polling officer.

42. Each polling officer shall be supplied by the Returning officer with a list of electors for the division for which such polling officer is appointed. The ballot papers and ballot boxes shall be delivered to the polling officer by the Returning Officer or other person authorised by him, sufficiently early before the hour fixed for the starting of the poll.

Form of ballot paper.

43. Ballot papers shall be in Form IV and shall have counterfoils attached to them which shall be in Form IV—A. They shall be serially numbered both in the foil and on the counterfoil. On every ballot paper, such mark as may be directed by the Returning Officer shall be stamped across the perforation between the ballot paper and the counterfoil in such a manner that the mark falls partly on the ballot paper and partly on the counterfoil.

Procedure before the ballot paper is delivered to the elector.

44. Immediately before a ballot paper is delivered to an elector, the number, name and description of the elector, as stated in the electoral roll, shall be verified, and the number of the elector shall be entered on the counterfoil, and a mark shall be placed in a copy of the electoral roll against the number of the elector to denote that he has received a ballot paper but without showing the particular ballot paper which he has received. On the counterfoil shall be entered the name of the division and the name or distinctive number of the polling station and signature or thumb impression of the elector.

Manner of recording vote.

45. The elector on receiving the ballot paper shall forthwith proceed into the polling compartment and there place the ballot paper or papers in the ballot box according to his choice. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted. He shall not place anything except a ballot paper in any box. Anything other than ballot papers found in any box shall be forfeited to the Municipal council.

Assistance to blind voter.

46. (1) If the polling officer is satisfied that an elector is incapacitated by blindness from voting in the manner prescribed in rule 45, the polling officer shall ascertain from the elector for which candidate he wishes to vote and shall place the ballot paper or papers in the box bearing the serial number and the symbol assigned to the candidate for whom he wishes to vote.

(2) In the case of every elector whose ballot paper is dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the polling officer, of the reason why the paper was so dealt with.

Identity of electors.

47. The polling officer shall satisfy himself as to the identity of the person tendering the vote and may disallow the vote of any of the person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. The polling officer is also responsible for seeing that the votes are recorded with absolute secrecy that no person who is not entitled to vote is admitted near the table, and that the persons who have recorded their votes leave the place immediately.

Tendered votes.

48. If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the polling officer may ask, be entitled to receive a ballot paper in the same manner as any other elector.

The polling officer shall write the word 'Tendered' in bold characters on the face of the ballot paper before it is handed over to such person. On receipt of such ballot paper (hereinafter referred to as tendered ballot paper) the elector shall proceed into the polling compartment and there place the ballot paper in an envelope bearing the symbol assigned to the candidate for whom the applicant wishes to vote. He shall then stick the envelope and enclose the same in a cover and hand it over to the polling officer. The polling officer shall make an endorsement containing the name of the elector and his number on the electoral roll and the number of division for which the election is held and shall set aside the cover in a separate packet, the ballot papers in which shall not be counted by the Returning Officer. The name of the elector and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form V which shall bear the heading "Tendered Votes List." The person tendering such ballot paper or papers shall sign his name and address on that list or affix his thumb-impression thereto.

Spoilt ballot papers.

49. An elector who has inadvertantly dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper shall, on delivering it to the polling officer and satisfying him of the inadvertance,

obtain another ballot paper in place of the spoilt paper, and the latter shall, together with its counterfoil, be marked as cancelled by the officer.

Voting of officials on duty at polling stations.

50. (1) A polling officer, or other person who is on duty at a polling station at which he is not entitled to vote shall, if he is certified by the Returning Officer to be entitled to vote at the election for any division be allowed to record his vote at that polling station. The said certificate shall be in Form VI.

(2) If the polling station at which the person is on duty is in the same division as the one in which he is entitled to vote, then the polling officer, shall on production of the said certificate, issue a ballot paper to the person concerned in the same manner as to any other elector. The name of the polling station at which he would otherwise have been entitled to vote shall be entered in the counterfoil of the ballot paper together with his number on the electoral roll for the division in which that polling station is situated and the provisions of rule 45 shall apply. The certificate referred to in sub-rule (1) shall be filed by the polling officer.

(3) If the polling station at which the person is on duty is not in the division in which he is entitled to record his vote, the Returning Officer shall, in addition to the certificate in Form VI, furnish the polling officer concerned, with particulars regarding the names of and serial numbers and symbols assigned to the candidates standing for election in that division together with a ballot paper relating to such division and envelopes marked with each of the symbols assigned to such candidates. The polling officer shall receive the certificate and issue the ballot paper. The person concerned shall then proceed into the polling compartment and place the ballot paper in an envelope bearing the symbol assigned to the candidate for whom he wishes to vote. He shall then stick the envelope and enclose the same in a cover and hand it over to the polling officer. The polling officer shall make up into separate packets for each division the covers in which votes have been so recorded, the connected certificates being fastened to the cover, seal up such packets in the manner specified in rule 5 and forward the same to the Returning Officer.

(4) The Returning Officer shall, in cases governed by sub-rules (2) and (3), immediately send a copy of the certificate to the polling officer of the polling station at which the person to whom the certificate is issued is ordinarily entitled to record his vote.

Procedure on closing of poll.

51. The polling officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates, who may be present, make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals on—

(i) each ballot box in use at such station unopened, but with the key (which should also be sealed in the same manner as the ballot box) attached;

(ii) the unused ballot papers;

(iii) the spoilt ballot papers;

(iv) the tendered ballot papers;

(v) the marked copy of the electoral roll;

(vi) the counterfoils of the ballot papers, and

(vii) the covers referred to in sub-rule (3) of rule 50.

52. The packets shall be accompanied by a statement in a separate cover in Form VII made by the Polling Officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot boxes, unused, spoilt and tendered ballot papers and ballot papers dealt with under rule 50.

Statement by polling officer.

53. Subject to any directions given in that behalf by the Returning Officer, the packets and statements referred to in the last two preceding rules shall be forwarded by the polling officer to the Returning Officer. Each packet shall be numbered and shall bear a note on it as to its contents and the name of the polling station. Where no vote has been recorded in any polling station, the polling officer shall submit a nil report together with the statement in Form VII and the empty boxes.

Despatch of ballot boxes.

Postponement or adjournment of poll.

54. (1) Notwithstanding anything contained in these rules, the Returning Officer may, for sufficient cause and with the previous approval of the Deputy Commissioner, postpone the date or extend the period fixed for polling.

(2) In emergencies such as disturbance of public peace or the intervention of floods, the Returning Officer may close the poll and announce an adjournment of the poll to a subsequent day. He shall immediately report the circumstances to the Deputy Commissioner.

(3) The subsequent date to which polling is postponed or adjourned shall be notified in the municipal office or division in such manner as the Returning Officer thinks fit.

Who may be present at the counting.

55. Votes shall be counted by, or under the supervision of the Returning Officer, and each candidate, and one representative of each candidate authorised in writing by the candidate, shall have a right to be present at the time of counting. No other person shall be allowed to be present, except such persons as the Returning Officer may appoint as scrutineers to assist him in counting votes; and no person shall be appointed to assist in counting the votes who has been employed by or on behalf of any candidate for any purpose whatsover connected with election.

Procedure at counting.

56. The Returning Officer shall proceed as follows:—

(*a*) The ballot boxes relating to all polling stations in the division bearing the same serial number and symbol and all envelopes with the same symbol as those boxes enclosed in the covers which may have been received under rule 50 shall be opened one after another. The ballot papers shall be taken out therefrom, and counted and the total number of votes secured by the candidate concerned recorded in a statement. He shall then proceed similarly with the boxes and envelopes of each symbol which may have been allotted to the candidates standing for election in the division.

Inspection of ballot papers by candidates.

57. The Returning Officer shall allow the candidates and their representatives reasonable opportunities to inspect, without handling, all ballot papers which in his

opinion are liable to be rejected. He shall endorse on every ballot paper which is rejected the word 'rejected'. If any candidate or representative present questions the correctness of the rejections, he shall also record on the ballot papers the grounds for the rejection.

Counting of votes to be continuous as far as possible.

58. The Returning Officer shall, as far as possible proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or representative as may desire to affix them and shall cause adequate precautions to be taken for their custody.

Grounds for rejection of ballot papers.

59. (1) A ballot paper shall be rejected if it :—

(*a*) bears any mark by which the elector can be identified or

(*b*) does not bear the official stamp prescribed in rule 43 or ;

(*c*) bears the mark belonging to a division different from that of the ballot box in which it is found :

Provided that a ballot paper dealt with under sub-rule (3) of rule 50 shall not be rejected merely on the ground that it bears the mark of a division different from the one in which the elector is entitled to vote :

Provided further that a ballot paper shall not be rejected under clause (*b*) if the Returning Officer is satisfied beyond reasonable doubt that the ballot paper was the one issued by the polling officer.

(2) Except on the grounds mentioned in sub-rule (1) no ballot paper shall be rejected.

(3) The decision of the Returning Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition.

Declaration of result.

60. (1) After the Returning Officer has completed the scrutiny and counting of votes, he shall prepare a statement of the results of the polling in Form VIII and shall declare the candidate to whom the largest number

of valid votes in the Division has been given, has been duly elected.

(2) The Returning Officer shall forward a copy of the statement in Form VIII to the Deputy Commissioner and the Commissioner for Local Self-Government as soon as possible after reporting the result of election under rule 63.

(3) Any candidate shall, on application, be permitted to take a copy of an extract from the statement in Form VIII.

Procedure in case of equality of votes.

61. Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by a lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

Verification of statements.

62. (1) The Returning Officer shall not open the sealed packets containing tendered ballot papers, or the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the polling officer under rule 52 by comparing it with the number of accepted ballot papers in his possession.

(2) The Returning Officer shall then make up into separate bundles in respect of each candidate,

(i) such of the ballot papers as have been accepted as valid; and

(ii) the remaining ballot papers which have been rejected as invalid.

He shall then make up both the bundles into one packet and seal the packet with his own seal. He shall also enclose and re-seal each of the other packets which were opened by him and record on each such packet a description of its contents.

Report of result of election.

63. The Returning Officer shall, without delay, report the result of the election to the Deputy Commissioner who will forward it to Government for being

notified in the *Mysore Gazette.* He shall also simultaneously submit a copy of the report to the Commissioner. A list of members elected shall be put on the notice board of the municipal office.

64. If a candidate by whom or on whose behalf, the deposit referred to in rule 20 has been made withdraws his candidature in the manner and within the time specified in rule 25 or if the notice of candidature be returned to the person by whom it was made; and, if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to him or to his legal representative, as the case may be, or, if not made by the candidate, shall be returned to the person by whom it was made.

Return of deposit in the event of withdrawal, rejection or death.

65. The deposit made by or on behalf of a candidate shall be forfeited to the Municipal Council :—

Forfeiture of deposit.

(*a*) if the candidate withdraws his candidature after the time specified in Rule 25 or,

(*b*) if the candidate is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled in the division in which he stood for election :

Provided that, in the Division in which the seat is reserved for scheduled castes, the deposit made by or on behalf of the candidate shall not be forfeited, unless the number of votes polled does not exceed one-sixteenth of the total number of votes polled.

Explanation.—For the purposes of this rule, the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

66. The deposit made by or on behalf of a candidate whether such candidate is elected or not, shall, if it is not forfeited under the last preceding rule, be returned to the candidate or the person who has made the deposit on his behalf as the case may be:

Return of Deposit of successful and unsuccessful candidates.

Provided that in the case of a candidate who is elected, such return shall be made as soon as may be after the

publication of the result of the election in the *Mysore Gazette*. If a deposit is made for more than one division, only one deposit shall be returned.

Custody of election papers.

67. All the packets relating to the elections shall remain in the custody of the Returning Officer.

Production and inspection of election papers.

68. The packets of ballot papers, whether counted or rejected, and of the counterfoils thereof, or of the declaration papers, as the case may be shall not be opened and their contents shall not be inspected or produced except under the order of a competent court or of the Election Commissioner appointed to hold an enquiry in respect of election, but all other documents relating to the election shall be opened to inspection, subject to such conditions as the Returning Officer may impose and to the payment of a fee of two rupees and attested copies thereof may be obtained by any person on payment of the same fees as are prescribed for revenue records.

Destruction of election papers.

69. (1) The packets aforesaid shall be retained for a period of one year, and shall thereafter be destroyed, subject to any directions to the contrary made by the Commissioner or by a competent court or by the Election Commissioner appointed to hold an inquiry in respect of an election.

(2) The notices of candidature and the withdrawals from candidature shall be kept in the municipal office and shall be destroyed after four years, unless otherwise ordered by the Commissioner.

Power of Returning Officers and polling officers to overlook printing or clerical errors in electoral rolls.

70. If a question arises for the decision of the Returning Officer or the Polling Officer under these rules whether an entry in an electoral roll relates to a particular person, the Returning Officer or the Polling Officer, as the case may be, may, for reasons to be recorded in writing, decide that the entry does or does not relate to the said person, notwithstanding any clerical or printing errors therein.

Casual vacancies.

71. On a vacancy occurring in the Municipality between two general elections it shall be reported without loss of time by the President to the Deputy Commissioner of the District who shall fix a date, within a period

of three months of the occurrence of the vacancy for the holding of an election to fill the vacancy. The above Rules shall apply to such bye-election with such modifications as may be necessary.

Assistance to the Returning Officer and provision of funds.

72. All the salaried employees of the municipality including the Executive Officer, if any, shall render all possible assistance to the Returning Officer in the conduct of elections. The Returning Officer shall also be provided by the municipal council the necessary funds required in this behalf.

Power of Deputy Commissioner to enlarge the period of stages of election etc.

73. The Deputy Commissioner may, for sufficient reasons, enlarge the period or alter the dates fixed for the several stages of election in the case of any municipality under the foregoing rules.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

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SCHEDULE.

RULE 28.

1. Bell, 2. Cart; 3. Charka, 4. Cow, 5. Elephant, 6. Horse. 7. Lion; 8. A pair of bullocks; 9. Plough; 10. Scales; 11. Sun; 12. Tree, 13. Umbrella, 14. Hand; 15. Bird; 16. Fish, 17 Bicycle; 18. Motor Car; 19. Watch; 20. Scissors; 21. Wheel. 22. House, 23. Deer.

FORM *I

(Rule 4).

Name of Town	No. of Division	Name of Division, if any

Serial No.	House No.	Name	Father's or Husband's name	Sex	Age
1	2	3	4	5	6

FORM No. II.

(Rule No. 17)

Town Municipal Council of..... .....

NOTICE OF CANDIDATURE

1. Name or number of the Division in which the candidate desires to stand for election ...
2. Full name of candidate ...
3. Father's or Husband's name ...
4. Date of birth or age in completed years ... ...
5. Address ... ...
6. Sex ... ...
7. Name of scheduled caste if the candidate is contesting a reserved seat and the division in which it is reserved ... ...
8. Name or number of the Division in which the candidate is entitled to vote and his number in the electoral roll ... ...
9. Name of the proposer ...
10. No. of the proposer in the electoral roll of the Division ...
11. Name of the Seconder ...
12. Number of the seconder on the electoral roll of the Division ...
13. Signature of the proposer ...
14. Signature of the seconder ...

DECLARATION OF CANDIDATE.

I hereby declare that I am qualified to stand for election and I agree to this nomination and am willing to serve as a Councillor if elected.

Date.....195 . *Signature of Candidate.*

CERTIFICATE OF DELIVERY.

Serial No..... .....

This notice of candidature was delivered to me at my office at..... on the.....195 .

Returning Officer or other Authorised person.

CERTIFICATE OF SCRUTINY.

I have scrutinised the eligibility of the candidate and find that he is qualified to stand for election.

Date.....195 . *Returning Officer or other Authorised person.*

FORM III. LIST OF CANDIDATES FOR ELECTION.

(*Rule 28*).

Town Municipal Council... .....

Name of Division..... .....

Serial No.	Name of candidate	Address of candidate	Symbol assigned to candidate

NOTE.—The Poll will be taken on ....day of.....195 between..... .....and.....

Date.....

Returning Officer or other Authorised person.

FORM IV.

(*Rule 43*).

Town Municipal Council of..... ....

Serial No. ... ...

Name and number of Division ...

Name or number of polling station ...

Number of elector on electoral roll ...

Signature or thumb impression of elector.

FORM IV (A).

(*Rule 43*).

Town Municipal Council of.....

Serial No. ... ...

Name and number of Division ...

FORM V.

(*Rule 48*)

Tendered Voters' List.

Town Municipal Council of.. ....

Name and Number	Division	Name of elector	No. in electoral roll	Signature of elector or thumb impression of elector if illiterate and address

FORM VI

(*Rule 50*)

CERTIFICATE ENTITLING A PERSON TO VOTE AT THE POLLING STATION WHERE HE IS APPOINTED FOR DUTY.

Town Municipal Council of.....

Sri/Smt. ....being duly registered as elector No..... in..... ..Division and being duly appointed for duty at the polling station ..... of..... ..... division is entitled to record his/her vote at polling station ..... of.....division and at no other.

Returning Officer or other Authorised person.
Division.

Date..... .....

FORM VII.

(*Rule 52*).

Statement of polling Officer at ..... in the..... Division, Town Municipal Council.....of after the polling on .....195 .

.....DIVISION.

Description	No. received	No. of ballot papers in boxes	No. of ballot papers in packets (Rule.....(3)	No. of tendered ballot papers Rule.....
1	2	3	4	5

No. unused	No. spoilt	Ballot papers dealt with under Rule... (2) included under column (3)	Remarks
6	7	8	9

FORM VIII.

(*Rule 60*).

Return showing results of the election for seats reserved for Division in the Town Municipal Council of.....
Number ..... Name of candidate.....
Number of valid votes.

Total number of valid votes ;

Total number of invalid votes ;

I do hereby declare that the following candidate has been duly elected for..... Division

to the seat reserved for scheduled castes

to the general seat.

Returning Officer.

No. 2767—Cts. 4-51-3, dated Bangalore, 17th September 1951.

In exercise of the powers conferred by Section 42 of the Mysore Court Fees Act, 1900 (Mysore Act III of 1900), His Highness the Maharaja of Mysore is pleased to direct that the fees leviable under Articles 11 and 12of the First Schedule to the said Act on the property of any person subject to the Indian Navy (Discipline) Act, 1934, (Central Act XXXIV of 1934), the Air Force Act, 1950 (Central Act XLV of 1950) or the Army Act, 1950, (Central Act XLVI of 1950), who is killed, or dies from wounds inflicted, accident occurring, or diseases contracted, within three years before death, while on active service against an enemy, or on service which is of a warlike nature or which involves the same risks as active service, be remitted as set forth hereunder throughout the State of Mysore,—

(*a*) Where the amount or value of property in respect of which the grant of probate or letters of administration is made or which is specified in the Certificate under Part X of the Indian Succession Act, 1925, does not exceed Rs. 50,000 (Rupees fifty thousand), the whole of the fees leviable in respect of that property.

(*b*) Where the said amount or value exceeds Rs. 50,000 (Rupees fifty thousand), the whole of the said fees in respect of the first Rs. 50,000 (Rupees fifty thousand).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

No. S.D. 4149—C. 23-50-151, dated Bangalore, 15th September 1951.

In exercise of the powers conferred by sub-clause (*c*) of clause 2 of the Mysore Rice Mills Control Order, 1951, published in Notification No. S.D. 3228—C. 23-50-148, dated the 7th August, 1951, His Highness the Maharaja of Mysore, is pleased to appoint the Director of Food Supplies in Mysore, Bangalore, as the Licensing Authority to issue licenses under the said Order.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,
Secretary to Government,
Food and Agriculture Departments.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

(HOME DEPARTMENT).

No. H.B. 5747—Ptl. 4-51-9, dated Bangalore, 29th September 1951.

Ordered that the accompanying Notification No. III—P.M.T. (X-125) 50 (13) dated 28th August 1951, of the Government of India, Ministry of Rehabilitation, further amending the Permit System Rules, 1949, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja of Mysore,

E. V. GANAPATI IYER,
Chief Secretary to Government.

Copy of Notification No. III—P.M.T. (X-125)—50-(13), dated 28th August 1951, received from the Government of India, Ministry of Rehabilitation, New Delhi.

In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXXIII of 1949), the Central Government hereby directs that the following further amendments shall be made in the Permit System Rules, 1949, namely :—

I. After the proviso to rule 5 of the said Rules, the following proviso shall be added at the end, namely:—

"Provided further that in the District of Amritsar, the powers conferred by clauses (iii) and (iv) may be exercised by the Personal Assistant to the Deputy Commissioner if he is a member of the Punjab Civil Service with the rank of a First Class Magistrate".

II. Rule 26 of the said Rules shall be re-numbered as sub-rules 26(1) and after sub-rule (1) as so re-numbered, the following sub-rule shall be added, namely:—

"(2) Where a temporary permit-holder obtains permission from the Superintendent of Police concerned, for visiting another place, but does not avail of the permission, he shall get his permit endorsed accordingly by the Superintendent of Police, who granted the permission, before returning to Pakistan".

NOTIFICATION.

No. 3051—Cts. 27-51-6, dated Bangalore, 26th September 1951.

In exercise of the powers conferred by section 3 of the Special Marriage Act, 1872 (Central Act No. III of 1872) and in supersession of Notification No. 2722—C.B. 146-48-2, dated the 20th October 1948, His Highness the Maharaja of Mysore is pleased to appoint the District Registrars and the Sub-Registrars functioning under the Indian Registration Act, 1908 (Central Act XVI of 1908), in respect of the areas under their respective jurisdiction to be the Registrars of Marriages under the Special Marriage Act, 1872 (III of 1872).

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

NOTIFICATION.

No. 3065—Cts. 27-51-7, dated Bangalore, 26th September 1951.

In exercise of the powers conferred by Section 14 of the Special Marriage Act, 1872 (Central Act III of 1872), His Highness the Maharaja of Mysore is pleased to prescribe the following rates of fees to be paid to the Registrar for the duties to be discharged by him under the said Act:—

1. For receiving and registering each notice of marriage (Sections 4 and 5) ... ... Re. 1
2. For registering each marriage performed by the Registrar of Marriages (Section 13) ... ... Rs. 3
3. For recording objection to each proposed marriage (Section 6) ... ... Rs. 5
4. For each certified extract from Marriage Certificate Book (Section 14) ... ... Re. 1

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.

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NOTIFICATION.

No. 3079—Cts. 27-51-8, dated Bangalore, 26th September 1951.

In exercise of the powers conferred by Section 12 of the Special Marriage Act, 1872 (Central Act III of 1872), His Highness the Maharaja of Mysore is pleased to prescribe the additional fees of Rs. 15 in each case when a marriage under the said Act is solemnised at places other than the Registrar's office.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Secretary to Government,

Law Department.

NOTIFICATION.

No. L.S. 2612—L.W. 160-51-5, dated Bangalore, 27th September 1951.

In exercise of the powers conferred by sub-section (3) of Section 10 of the Industrial Disputes Act, 1947 (India Act No. XIV of 1947), His Highness the Maharaja of Mysore is pleased to prohibit the continuance of the lock-out in Messrs. Khoday Eshwarsa & Sons, Santhusapet, Bangalore, in view of the fact that the disputes existing between the Management and workers of the said concern, have been referred to the Industrial Tribunal in Government Notification No. L.S. 2594—LW. 160-51-4, dated 26th September 1951.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and

Secretary to Government,

Law Department.

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NOTIFICATION.

No. L.S. 2591—L.W. 160-51-4, dated Bangalore, 26th September 1951.

Whereas industrial disputes exist between the Management of Messrs. Khoday Eshwarasa & Sons, Santhusapet, Bangalore, and the workmen employed in the said concern, in respect of the matters specified in the schedule below;

And whereas in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said disputes for adjudication;

Now, therefore, in exercise of the powers conferred by clause (C) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said disputes be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

(1) Is the termination of services of twenty workmen by issue of notice dated 20th August 1951, proper and justifiable?

(2) Is the termination of service of two boys and the mother of one of them, who were workers in this Factory, proper and justifiable?

(3) Did the Management agree to the settlement made by the Commissioner of Labour on 1st September 1951, to take back all the discharged workers back to duty?

(4) Is the subsequent lock-out on 6th September 1951 legal?

OR

(5) Did the workers start an illegal strike, in pursuance of which there was a lock-out on 6th September 1951?

(6) To what relief, if any, are the workers entitled?

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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ELECTION COMMISSION, INDIA.

NOTIFICATION.

Dated New Delhi-1, the 26th September 1951.

No. 62/12/51—Elec. II (2). In exercise of the powers conferred by Section 20 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission, in consultation with the Government of Mysore, hereby designates the officers specified in column 2 of the table below to be the Returning Officers for the Assembly Constituencies in the State of Mysore specified in the corresponding entries in column 1 of that table :—

TABLE.

Name of Constituency.		*Returning Officer.*
1		2
Malur	...	Assistant Commissioner in charge of the Revenue Sub-Division, Kolar.
Bangarpet	...	Do do
Kolar Gold Fields	...	Special I Class Magistrate, Sanitary Board Area, Kolar Gold Fields.
Mulbagal-Srinivasapur	...	Assistant Commissioner in charge of Revenue Sub-Division, Kolar.
Bagepalli-Gudibanda	...	Assistant Commissioner in charge of Revenue Sub-Division, Chikballapur.
Chintamani	...	Do do
Kolar	...	Assistant Commissioner in charge of Revenue Sub-Division, Kolar.
Sidlaghatta-Chikballapur	...	Assistant Commissioner in charge of Revenue Sub-Division, Chikballapur.
Goribidnur	...	Do do
Pavagada	...	Assistant Commissioner in charge of Revenue Sub-Division, Madhugiri.
Koratagere-Madhugiri	...	Do do
Huliyurdurga	...	Assistant Commissioner in charge of Revenue Sub-Division, Tumkur.
Kunigal	...	Do do
Tumkur	...	Do do
Kora	...	Do do
Sira	...	Assistant Commissioner in charge of Revenue Sub-Division, Madhugiri.
Gubbi	...	Assistant Commissioner in charge of Revenue Sub-Division, Tumkur.
Turuvekere	...	Assistant Commissioner in charge of Revenue Sub-Division, Tiptur.
Tiptur	...	Do do
Chiknayakanahalli	...	Do do

Name of Constituency.	*Returning Officer.*
Malleswaram	Commissioner, Corporation of the City of Bangalore, Bangalore.
Gandhinagar	Do do
Chamarajpet	Do do
Basavangudi	Do do
Cubbonpet	Do do
Ulsoor	Do do
St. John's Hill	Do do
Bangalore North	Assistant Commissioner in charge of Revenue Sub-Division, Bangalore.
Dodballapur	Assistant Commissioner in charge of Revenue Sub-Division, Dodballapur.
Nelamangala	Do do
Magadi	Assistant Commissioner in charge of Revenue Sub-Division, Ramanagaram.
Bangalore South	Assistant Commissioner in charge of Revenue Sub-Division, Bangalore.
Hoskote-Anekal	Assistant Commissioner in charge of Revenue Sub-Division, Dodballapur.
Ramanagaram	Assistant Commissioner in charge of Revenue Sub-Division, Ramanagaram.
Kankanhalli	Do do
Virupakshapura	Do do
Channapatna	Do do
Malavalli	Assistant Commissioner in charge of Revenue Sub-Division, Mandya.
Maddur	Do do
Mandya	Do do
Srirangapatna	Assistant Commissioner in charge of Revenue Sub-Division, Pandavapura.
Pandavapura	Do do
Nagamangala	Do do
Krishnarajpet	Do do
Mysore City North	Municipal Commissioner City Municipal Council, Mysore.
Mysore City South	Do do
Mysore Taluk	Assistant Commissioner in charge of Revenue Sub-Division, Mysore.
Nanjangud	Assistant Commissioner in charge of Revenue Sub-Division, Nanjangud.
T.-Narsipur	Do do
Yelandur	Do do
Chamarajanagar	Do do
Hunsur	Assistant Commissioner in charge of Revenue Sub-Division, Mysore.
Gundlupet-Heggadadevankote	Assistant Commissioner in charge of Revenue Sub-Division, Nanjangud.
Krishnarajanagar	Assistant Commissioner in charge of Revenue Sub-Division, Mysore.
Periyapatna	Do do

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Name of Constituency		*Returning Officer*
Hole-Narsipur	...	Assistant Commissioner in charge of Revenue Sub-Division, Hassan.
Arkalgud	...	Do do
Channarayapatna	...	Do do
Javagal	...	Do do
Arsikere	...	Do do
Hassan	...	Do do
Belur	...	Assistant Commissioner in charge of Revenue Sub-Division, Sakleshpur.
Chikmagalur-Mudigere	...	Assistant Commissioner in charge of Revenue Sub-Division, Chikmagalur.
Kadur	...	Assistant Commissioner in charge of Revenue Sub-Division, Tarikere.
Bhadravati	...	Do do
Thirthahalli-Koppa	...	Do do
Tarikere	...	Do do
Shimoga	...	Assistant Commissioner in charge of Revenue Sub-Division, Shimoga.
Channagiri	...	Do do
Honnali	...	Do do
Sorab-Shikaripur	...	Assistant Commissioner in charge of Revenue Sub-Division, Sagar.
Sagar-Hosanagar	...	Do do
Harihar	...	Assistant Commissioner in charge of Revenue Sub-Division, Davangere.
Davangere	...	Do do
Hosadurga	...	Do do
Molakalmuru	...	Assistant Commissioner in charge of Revenue Sub-Division, Chitaldrug.
Hiriyur	...	Do do
Chitaldrug	...	Do do
Holalkere	...	Assistant Commissioner in charge of Revenue Sub-Division, Davangere.
Jagalur	...	Do do

P. S. SUBRAMANIAN,
Secretary.

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NOTIFICATIONS.

No. L.S. 2660—L.W. 162-51-4, dated Bangalore, 3rd October 1951.

Whereas an Industrial dispute exists between the Management of the Mysore Lac and Paint Works, Ltd., Mysore, and the workmen employed in the said concern in respect of the matters specified in the schedule below;

And whereas in the opinion of His Highness the Maharaja of Mysore, it is necessary to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by Clause *(c)* of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal, constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated 15th June 1951.

SCHEDULE.

(1) Payment of dearness allowance to the workers in accordance with the cost of living index figures, published by the Office of the Labour Commissioner.

(2) Payment of minimum wages of Rs. 30 per mensem to each worker.

(3) Assignment of specified jobs to workers and payment of wages according to the nature of the jobs entrusted and responsibility attached to it.

(4) Giving every worker a starting pay of Rs. 30 per mensem, regulating increments in accordance with prevailing rates in Government Factories.

(5) Supplying apron cloth to the workers free of cost.

(6) Granting ten days leave every year to the Watch and Ward and daily-rated employees, for religious purposes as in the case of monthly-rated employees and payment of overtime wages when they are made to work on holidays.

(7) Extending to every worker, after six months of service, the benefit of the Provident Fund Scheme.

(8) Providing workers, who wash lac, with hand-gloves and proper footwear at the cost of the Management.

(9) Providing workers, who mix colour powder, with hand-gloves, at the cost of the Management.

(10) Granting leave to workers in accordance with standing orders and not as per Work Service Rules.

(11) Providing workers with a resting place and a place for having their lunch.

(12) Providing Medical aid to workers at the cost of the Management.

By Order of His Highness the Maharaja,

No. L.S. 2665—L.W. 162-51-5, dated Bangalore, 3rd October 1951.

In exercise of the powers conferred by sub-section (3) of Section 10 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Highness the Maharaja of Mysore is pleased to prohibit the continuance of the lock-out in the Mysore Lac and Paint Works, Ltd., Mysore, the Labour dispute existing between the said works and its employees having been referred for adjudication to the Industrial Tribunal, in Government Notification No. L.S. 2660—L.W. 162-51-4, dated 3rd October 1951.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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PART IV

Section 2-C

RULES, ORDERS AND NOTIFICATIONS UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

(Home Department.)

No. H.A. 6077—Pol. 247-51-4, dated Bangalore, 28th September 1951.

In exercise of the powers conferred by sub-section (1) of Section 3 of Mysore Police Act, 1908 (Act V of 1908), His Highness the Maharaja of Mysore is pleased to extend the provisions of Section 56 of the Mysore Police Act, 1908, as amended from time to time to Hebbal Village in Bangalore North Taluk, Bangalore District.

By Order of His Highness the Maharaja,

E. V. GANAPATI IYER,

Chief Secretary to Government.

No. T. 4030—R.T. 14-51-13, dated Bangalore, 29th September 1951.

In exercise of the powers conferred by Section 8 of the Mysore Motor Vehicles Taxation and Tolls Act, 1951, His Highness the Maharaja of Mysore is pleased to exempt the goods vehicles registered in Coorg, bearing the following numbers, from payment of Road Tax leviable in Mysore under the said Act, as long as they are engaged for the transport to Mysore of the rice offered by the Government of Coorg.—

CGA. 473

CGA. 737

CGA. 311

CGA. 800

No. L. 6819—MI. 44-51-5, dated Bangalore, 29th September 1951.

WHEREAS the terms of offices of the Councillors of the five Municipal Councils extended for a period of three months from 1st July 1951 in the Notifications noted below are due to expire on the 30th day of September 1951;

1. Chitaldrug—No. L. 2933—MI. 44-51-1, dated 28th June 1951.
2. Krishnarajanagar—No. L. 2891—MI. 38-51-1, dated 29th June 1951.

3. Shiralkoppa—No. L. 2936—Ml. 45-51-1, dated 28th June 1951
4. Mayakonda—No. L. 2938—Ml. 44-51-3, dated 28th June 1951
5. Hosadurga—No. L. 2940—Ml. 44-51-2, dated 28th June 1951

AND WHEREAS it is necessary to reconstitute the said Town Municipal Councils under the Mysore Town Municipalities Act, 1951.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Mysore Town Municipalities Act, 1951 (Mysore Act XXII of 1951), His Highness the Maharaja of Mysore is pleased to extend the terms of offices of the members of the said Town Municipal Councils from the first day of October 1951 up to and inclusive of the 31st day of December 1951.

By Order of His Highness the Maharaja,

K. BALASUBRAMANYAM,
Secretary to Government,
Local Self-Government Department.

No. Fl. 3807—S.T. 22-51-2, dated Bangalore, 28th September 1951.

In exercise of the powers conferred by Section 6 of the Mysore Sales-Tax Act, 1948 (Mysore Act XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that every dealer in mutton, eggs, fruits, vegetables, flowers and fresh milk (other than canned, preserved, dried or dehydrated mutton, fruits, vegetables, flowers and milk) shall pay tax under sub-section (1) of Section 3 of the said Act for each year including the year 1951-52 at the reduced rates specified below throughout the State of Mysore :—

If his turnover is not less than Rs. 10,000 but does not exceed Rs. 20,000	...	Rs. 24 per annum
If his turnover exceeds Rs. 20,000 but does not exceed Rs. 40,000	...	48 ,,
If his turnover exceeds Rs. 40,000 but does not exceed Rs, 80,000	...	96 ,,
and for every turnover of Rs. 80,000 or a part thereof in excess of Rs. 80,000	...	96 ,,

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, MONDAY, OCTOBER 1, 1951

PART IV

Section 2-B.

MYSORE ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE RAJPRAMUKH.

NOTIFICATION.

No. L.D. 1305—Legis. 47-51-1, dated Bangalore, 1st October 1951.

Ordered that the accompanying Mysore Transfer of Property (Extension to Agricultural Land) Ordinance, 1951, which was promulgated by the Rajpramukh of Mysore on the FIRST day of OCTOBER 1951, be published as Mysore Ordinance No. III of 1951, in the *Mysore Gazette* for general information.

MYSORE ORDINANCE No. III OF 1951.

THE MYSORE TRANSFER OF PROPERTY (EXTENSION TO AGRICULTURAL LAND) ORDINANCE, 1951.

(Promulgated by the Rajpramukh of Mysore on the first day of October 1951.)

An Ordinance for extending the operation of the Transfer of Property Act, 1882, to Agricultural Land in the State of Mysore.

WHEREAS the Mysore Legislative Assembly is not in session and the Rajpramukh of Mysore is satisfied that Preamble.

circumstances exist which render it necessary for him to take immediate action to extend the operation of the Transfer of Property Act, 1882 (Central Act IV of 1882), to agricultural land in the State of Mysore;

NOW THEREFORE, in exercise of the powers conferred by Clause (1) of Article 213 of the Constitution of India, the Rajpramukh of Mysore is pleased to promulgate the following Ordinance:—

Short title, extent and commencement.

1. (1) This Ordinance may be called the Mysore Transfer of Property (Extension to Agricultural Land) Ordinance, 1951.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on the first day of October, 1951.

The terms "property" and "immoveable property" in Central Act IV of 1882 to include agricultural land.

2. The terms "property" and "immoveable property", in the Transfer of Property Act, 1882, shall include agricultural land.

Repeal of Mysore Act V of 1918.

3. The Transfer of Property Act, 1918, in so far as it relates to agricultural land, is hereby repealed:

Provided that anything done and any action taken under the said Act shall be deemed to have been done or taken under the corresponding provision of the Transfer of Property Act, 1882, as extended to agricultural land by Section 2 of this Ordinance.

JAYACHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

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(EXTRAORDINARY)

BANGALORE, TUESDAY, OCTOBER 2, 1951

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4181—L.A. Bangalore, dated 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE LEGISLATURE (PREVENTION OF DISQUALIFICATION) (AMENDMENT) BILL, 1951.

A Bill to amend the Mysore Legislature (Prevention of Disqualification) Act, 1951.

WHEREAS it is expedient to amend the Mysore Legislature (Prevention of Disqualification) Act, 1951, (Mysore Act XXV of 1951), for the purpose hereinafter appearing; Prea

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Legislature (Prevention of Disqualification) (Amendment) Act, 1951.

Amendment of schedule to Mysore Act No. XXV of 1951.

2. In the schedule to the Mysore Legislature (Prevention of Disqualification) Act, 1951, after item 2, the following item shall be added, namely,—

"3. Member of any Industrial Tribunal constituted by the State Government under the Industrial Disputes Act, 1947, (Central Act XIV of 1947)."

Repeal of Mysore Ordinance No. II of 1951.

3. The Mysore Legislature (Prevention of Disqualification) (Amendment) Ordinance, 1951, is hereby repealed.

Statement of Objects and Reasons.

An industrial tribunal consisting of three members was constituted by the Government in June 1951 for the adjudication of industrial disputes in accordance with the provisions of the Industrial Disputes Act, 1947, (Central Act XIV of 1947). Two members of this tribunal are also members of the Legislative Assembly. Since the office of member of an industrial tribunal is an office of profit within the meaning of article 191(1) (a) of the Constitution of India, these members would have been disqualified from continuing as members of the Legislative Assembly unless the office was declared by law not to disqualify its holders. Since the Legislative Assembly was not in session and the matter was urgent, the Mysore Legislature (Prevention of Disqualification) (Amendment) Ordinance, 1951, was promulgated by His Highness. This Bill is intended to repeal and replace the Ordinance.

K. T. BHASHYAM IYENGAR.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION. 222

No. 4182--L.A. Bangalore, dated 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE LEGISLATURE (PROHIBITION OF SIMULTANEOUS MEMBERSHIP) BILL, 1951.

A Bill to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Mysore of his seat in one House or the other.

Preamble.

WHEREAS it is necessary to provide for the vacation by a person who is chosen a member of both Houses of the Legislature of the State of Mysore of his seat in one House or the other;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Legislature (Prohibition of Simultaneous Membership) Act, 1951.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context.—

(1) "Assembly" means the Legislative Assembly of the State of Mysore;

(2) "Council" means the Legislative Council of the State of Mysore;

(3) "House" means the Assembly or the Council.

Vacation of seat by persons when elected as members of both the Assembly and the Council.

3. (1) Any person who is chosen a member of both the Assembly and the Council and who has not taken his seat in either House may, by notice in writing signed by him and delivered to the secretary of each of the Houses or to any person authorised by the Rajpramukh in this behalf, within ten days from the date of publication in the *Mysore Gazette* of the declarations that he has been

so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, intimate in which of the Houses he wishes to serve, and thereupon, his seat in the House in which he does not wish to serve shall become vacant.

(2) In default of such intimation within the aforesaid period, his seat in the Council shall, at the expiration of that period, become vacant.

(3) Any intimation given under sub-section (1) shall be final and irrevocable.

Vacation of seats by persons already members of one House on election to the other House.

4. (1) If a person who is already a member of the Assembly and has taken his seat in the Assembly is chosen a member of the Council, his seat in the Assembly shall, on the publication in the *Mysore Gazette* of the declaration that he has been so chosen, become vacant.

(2) If a person who is already a member of the Council and has taken his seat in the Council is chosen a member of the Assembly, his seat in the Council shall, on the publication in the *Mysore Gazette* of the declaration that he has been so chosen, become vacant.

Statement of Objects and Reasons.

Clause (1) of article 190 of the Constitution prohibits membership of both Houses of the Legislature of a State and empowers the Legislature of the State to make provision by law for the vacation by a person who is chosen a member of both Houses, of his seat in one House or the other. In view of this constitutional provision, it is necessary to make provision by law for the vacation of seats by members in either of the two Houses of the Mysore Legislature which will be constituted after the ensuing general elections.

This Bill is intended to secure this object. Clauses 3 and 4 of the Bill provide for the vacation of one of the seats when a person is elected to both Houses of the State Legislature, and when a person who is already a member of one House is elected to the other House of the State Legislature.

K. T. BHASHYAM IYENGAR.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION. 224

No 4183—L.A. Bangalore, dated 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary.
Mysore Legislature.

THE MYSORE LABOUR (ADMINISTRATION) BILL, 1951.

A Bill to make provision for the administration of the Labour Department in the State of Mysore and for certain other matters.

WHEREAS it is expedient to make provision for the administration of the Labour Department in the State of Mysore and for certain other matters; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Labour (Administration) Act, 1951. Short title and commencement.

(2) It shall be deemed to have come into force on the first day of April 1951.

2. In this Act,— Definitions.

(1) "Assistant Commissioner" means an Assistant Commissioner of Labour in Mysore;

(2) "Commissioner" means the Commissioner of Labour in Mysore;

(3) "Government" means the State Government;

(4) "local area" means any area notified as such by the Government.

Appointment of Commissioner and Assistant Commissioners and their powers and duties.

3. (1) The Government shall, by notification in the *Mysore Gazette*, appoint a person to be the Commissioner. His jurisdiction shall extend throughout the State of Mysore.

(2) The Commissioner shall exercise such powers and perform such duties as may be conferred or imposed on him by or under any law for the time being in force, in Mysore.

(3) The Government may, by notification in the *Mysore Gazette*, appoint Assistant Commissioners for any local area or areas. Such Assistant Commissioners shall, subject to the control and supervision of the Commissioner, exercise such of the powers and perform such of the duties of the Commissioner as may be delegated by him.

Repeal of Mysore Act XIII of 1942 and savings.

4. The Mysore Labour Act, 1942, is hereby repealed:

Provided that any appointment or delegation made under the said Act shall be deemed to have been made under this Act:

Provided further that all labour associations registered under the said Act shall be deemed to be trade unions registered under the Indian Trade Unions Act, 1926, (Central Act XVI of 1926).

Statement of Objects and Reasons.

The Mysore Labour Act, 1942, was a general measure dealing with matters connected with labour in Mysore, such as appointment of Commissioner of Labour and Assistant Commissioners of Labour, registration of labour associations, settlement of industrial disputes and settlement of standing orders. Consequent on the extension of Central Labour Laws to Mysore, a number of provisions of the State Act have become inoperative and the few remaining ones require re-enactment. A doubt is expressed whether a Labour Association registered under the Mysore Labour Act, 1942, may be deemed to be a trade union under the Indian Trade Unions Act, 1926, by virtue of sections 5 and 6 of the Part B States (Laws) Act, 1951 (Central Act III of 1951). As considerable difficulty and

inconvenience will be felt by the Labour Associations if they are required to re-register themselves under the Central Act, it is considered necessary to make it clear that they can continue to function as Trade Unions without re-registration. The object of this Bill is to re-enact with suitable changes the provisions of the Act which have to be continued, to repeal expressly the rest of the Act and to declare that the labour associations shall be deemed to be trade unions under the Indian Trade Unions Act, 1926.

K. T. BHASHYAM IYENGAR.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION. 227

No. 4184—L.A. Bangalore, dated 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE WAREHOUSES (AMENDMENT) BILL, 1951.

A Bill to amend the Mysore Warehouses Act, 1951.

WHEREAS it is expedient to amend the Mysore Warehouses Act, 1951, (Mysore Act XXIX of 1951), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Warehouses (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 23 of the Mysore Warehouses Act, 1951, (hereinafter referred to as the said Act), after the words "warehouseman" the words and figures "other than a co-operative society registered under the Mysore Co-operative Societies Act, 1948" shall be inserted. Amendment of section 23 of Mysore Act XXIX of 1951.

3. For the proviso to section 26 of the said Act, the following proviso shall be substituted, namely:— Amendment of section 26 of Mysore Act XXIX of 1951.

"Provided that the warehouseman shall show such preference to co-operative societies registered under the Mysore Co-operative Societies Act, 1948, and allow them

such concessional rates as the Government may, from time to time, by order, direct."

STATEMENT OF OBJECTS AND REASONS.

Under section 23 of the Mysore Warehouses Act, 1951, a warehouseman is prohibited from dealing in, or lending money on, goods received by him for deposit in his warehouse. It is considered desirable to exempt co-operative societies from the restrictions imposed by this provision in order to encourage those societies engaged in advancing loans on the security of agricultural produce or in the marketing of such produce, to take up warehousing business. This Bill is intended to secure this object.

Opportunity has also been taken to amend section 26 of the Act so as to make it obligatory for a warehouseman to show certain preferences and allow certain concessional rates to co-operative societies desiring to avail themselves of the facilities of his warehouse.

T. MARIAPPA.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION. 209

No. C. 4185—L.A. Bangalore, dated 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,

Secretary,
Mysore Legislature.

THE MYSORE CITY MUNICIPALITIES (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore City Municipalities Act, 1933.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933, (Mysore Act VII of 1933), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore City Municipalities (Amendment) Act, 1951. Short title and commencement.

(2) This section shall come into force at once; and such of the other provisions of this Act shall come into force on such dates and in such City Municipalities as the Government may, by notification in the *Mysore Gazette*, specify in this behalf, and different dates may be specified in respect of different provisions in the case of any City Municipality.

2. In section 3 of the Mysore City Municipalities Act, 1933, (hereinafter referred to as the said Act), Amendment of section 3 of Mysore Act VII of 1933.

(1) clause (1) shall be omitted;

(2) after clause (5) the following clauses shall be inserted, namely :—

"(5-A) 'Election Commissioner' shall mean any Judge having jurisdiction in the municipality appointed to be the Election Commissioner for the said municipality by the Government;

(5-B) 'Government' shall mean the State Government;"

(3) after clause (11) the following clause shall be inserted, namely :—

"(11-a) 'Occupier' includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;"

(4) in clause (13), for the word "July" the word "April" shall be substituted;

(5) clause (20) shall be omitted.

Amendment of section 6 of Mysore Act VII of 1933.

3. In proviso (1) to sub- section (1) of section 6 of the said Act, for the words "one mile" the words "two miles" shall be substituted.

Substitution of new section for section 9 of Mysore Act VII of 1933.

4. For section 9 of the said Act, the following section shall be substituted namely:—

Constitution of municipal councils.

"9. (1) Every municipal council shall consist of such number of councillors as the Government may, from time to time, by order determine.

(2) Subject to the provisions of sub-section (3), all the councillors of every municipality shall be elected.

(3) Any vacancies due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 16 or 17, shall, notwithstanding anything contained in this Act, be filled up by appointment by the Government".

5. For section 10 of the said Act, the following sections shall be substituted, namely :— Substitution of new sections 10, 10-A and 10-B for section 10 in Mysore Act VII of 1933.

"10. (1) Seats shall be reserved for the scheduled castes among the number of seats fixed under sub-section (1) of section 9. The number of seats so reserved shall bear as nearly as may be, the same proportion to the number of seats fixed under sub-section (1) of section 9 as the population of the scheduled castes bears to the total population of the municipality : Reservation of seats for scheduled castes.

Provided that this sub-section shall cease to have effect after ten years from the commencement of the Mysore City Municipalities (Amendment) Act, 1951 :

Provided further that the preceding proviso shall not affect any representation in a municipal council until the expiry of the term of office of its members.

(2) Nothing contained in this section shall be deemed to prevent members of the scheduled castes for whom seats have been reserved in a municipal council from standing for election to the non-reserved seats in the council.

10-A. (1) For the purposes of election of councillors to fill the seats under sub-section (1) of section 9, the municipality shall be divided into as many territorial divisions as there are councillors to be elected, the boundaries of which shall, after consultation with the municipal council, be fixed by the Government by notification in the Official Gazette. Territorial divisions for elections.

(2) The Government may, after consultation with the municipal council, by notification in the Official Gazette alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

10-B. (1) Every person of either sex who was not less than twenty-one years of age on the first day of April of the year preceding that in which the election roll is published and who is not otherwise disqualified under this Qualification for enrolment in the election roll.

Act shall be included in the election roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 10-A.

(2) No person shall be included in such election roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the year preceding that in which the election roll is published:

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the city municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division."

Amendment of section 11 of Mysore Act VII of 1933.

6. In section 11 of the said Act—

(1) in sub-section (1) for the words "three years" the words "four years" shall be substituted.

(2) the proviso to sub-section (3) shall be omitted.

Amendment of section 12 of Mysore Act VII of 1933.

7. In section 12 of the said Act.—

(1) in sub-section (1), the following proviso shall be added to the last sentence, namely:—

"Provided further that nothing in this section shall invalidate the election of any person if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice."

(2) in sub-section (2), clause (c) and in clause (d) the words "not being a salaried servant of Government" shall be omitted.

Amendment of section 15 of Mysore Act VII of 1933.

8. In section 15 of the said Act, for the words "nominated or elected at a general election" the words "elected at a general election or appointed" shall be substituted and for the words "three years" and "four years" the words "four years" and "five years" respectively shall be substituted.

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9. In section 17 of the said Act, for the words, brackets, letter and figures "clause (*a*) of section 10" the words, brackets and figures "sub-section (1) of section 9" shall be substituted.

Amendment of section 17 of Mysore Act VII of 1933.

10. In section 19 of the said Act, the word "nominated" shall be omitted.

Amendment of section 19 of Mysore Act VII of 1933.

11. In section 20 of the said Act —

Amendment of section 20 of Mysore Act VII of 1933.

(1) in the marginal note for the words "enquiry by Judge" the words "enquiry by the Election Commissioner" shall be substituted;

(2) in sub-section (1) for the words "declaration of the result of election of a councillor" the words and figures "publication in the official Gazette under section 19 of the name of the person elected as a councillor" shall be substituted and for the words "District Judge of the District" the words "Election Commissioner" shall be substituted;

(3) in sub-section (2) for the words "The District Judge or such other Judge as may be appointed by the Government in this behalf" the words "The Election Commissioner" shall be substituted and for the word "Judge" wherever it occurs the words "Election Commissioner" shall be substituted;

(4) in sub-section (3), (5) and (6) for the word "Judge" wherever it occurs the words "Election Commissioner" shall be substituted.

12. In sub-section (5) of section 23, the first sentence shall be omitted.

Amendment of section 23 of Mysore Act VII of 1933.

13. In clause (b) of sub-section (2) of section 228 of the said Act,—

Amendment of section 228 of Mysore Act VII of 1933.

(1) in sub-clause (ii) the words "of voters and" shall be omitted.

(2) in sub-clause (iii) the words commencing from the words "declaring the manner" up to the end of the sub-clause shall be omitted.

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STATEMENT OF OBJECTS AND REASONS.

The Mysore City Municipalities Act, 1933, has been amended from time to time to adopt it to changed conditions and it requires further amendments to bring it in line with the more important provisions made in the Mysore Town Municipalities Act, 1951. This Bill is intended to secure this object and its salient features are explained below.

Under the existing provisions of the Act, councillors have to be elected to a municipal council from the constituencies fixed by the Government on the basis of limited franchise. It is considered necessary to make provision for the election of councillors on the basis of adult franchise from single member costituencies and also to provide for the reservation of seats in the municipal council for the Scheduled castes for a period of 10 years. Clauses 4 and 5 of the Bill provide for these matters.

Section 20 of the Act provides for the determination of the validity of election and other allied questions by the District Judge of the district or by any other Judge appointed by the Government. It is considered necessary to appoint an Election Commissioner who is a judicial officer for the adjudication of election disputes in place of the District Judge or any other Judge.

Opportunity has been taken to make a few minor improvements. Under clause 3 of the Bill, the limit up to which the territorial jurisdiction of a Municipal Council can be extended has been increased from one mile to two miles and under clause 8, the normal term of a Municipal Council has been increased from 3 to 4 years extensible up to 5 years.

The other changes are consequential.

R. CHENNIGARAMIAH.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION. 231

No. 4186—L.A., Bangalore, dated 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE TOWN MUNICIPALITIES (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Town Municipalities Act, 1951.

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1951, (Mysore Act No. XXII of 1951), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Town Municipalities (Amendment) Act, 1951. Short title and commencement.

(2) It shall come into force at once.

2. For the proviso to section 2 of the Mysore Town Municipalities Act, 1951 (hereinafter referred to as the said Act), the following proviso shall be substituted and shall always be deemed to have been substituted, namely :- Amendment of section 2 o Mysore Act XXII of 1951

"Provided that—

(*a*) the said repeal shall not affect the validity of anything already done under the said Acts;

(*b*) all appointments, rules, orders and bye-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted under the said Acts, or under any Act thereby repealed, shall continue in force and be deemed to have been respectively made, issued, imposed, entered into and instituted under this Act, until superseded by or under the provisions of this Act;

(*c*) all minor and town municipal councils constituted, councillors appointed or elected and committees established and presidents and vice-presidents elected or appointed under the said repealed Acts shall exercise the powers and perform the duties conferred by the provisions of this Act on town municipal councils, councillors, committees, presidents and vice-presidents, respectively, until the municipal councils are duly constituted under the provisions of this Act, and on the date of the first meeting of any municipal council after such constitution under this Act, the municipal councils constituted under the repealed enactments shall be deemed to have been dissolved and the presidents and vice-presidents of such municipal councils shall vacate their office on the said date;

(*d*) any enactment in force in Mysore, or document referring to any such repealed enactments, shall, so far as may be, be construed to refer to this Act or to the corresponding portion there of."

Amendment of section II of Mysore Act XXII of 1951.

3. In sub-section (1) of section 11 of the said Act, for the words "be fixed by the municipal council and approved" the words "after consultation with the municipal council, be fixed by the Commissioner by notification in the *Mysore Gazette*" shall be substituted.

Amendment of section 18 of Mysore Act XXII of 1951.

4. To section 18 of the said Act, the following proviso shall be added, namely:—

"Provided that, if the Government so directs, no election shall be held for the filling of a casual vacancy, if general elections are due to be held within six months of the occurrence of such vacancy:

Provided further that, if the Government so directs no election shall be held for the filling of any casual vacancy existing on the date of commencement of this Act.

4. In sub-section (1) of section 20 of the said Act, for the words "declaration of the result of an election of a Councillor", the words "notification in the *Mysore Gazette* of the name of the person elected as a Councillor" shall be substituted, and in the marginal note for the words "judge" the word "Commissioner" shall be substituted.

Amendment of section 20 of Mysore Act XXII of 1951.

Statement of Objects and Reasons.

Section 18 of the Act makes it obligatory for a municipal council to fill up casual vacancies within a period of three months from the date of the occurrence of the vacancies. In view of the expected general elections in the near future for the re-constitution of the municipal councils and the very short interval obtaining for filling up casual vacancies, which have recently occurred in some of the municipalities, it is proposed to take general powers to keep unfilled such vacancies, if the Government so directs.

Under sub-section (1) of section 20, applications to the Election Commissioner for the determination of the validity of elections have to be made within ten days, after the date of the declaration of the result of an election of a councillor. To obviate certain administrative difficulties, it is considered desirable to adopt the date of publication of the name of the elected person in the Gazette instead of the date of declaration of election as the date of reckoning for computing this statutory period. Lastly, the need was also felt to make express provision in the Act for the dissolution of the existing municipal councils from the date of the re-constitution of the new councils, and to make express provision for the continuance of presidents and vice-presidents of municipal councils. Hence the Bill.

R. CHENNIGARAMIAH.

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NOTIFICATION. 238

No. 4188—L.A., dated Bangalore, the 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE KOLAR GOLD FIELDS MUNICIPAL BILL, 1951. 239

A bill to make better provision for the management of municipal affairs of the Kolar Gold Fields Area.

WHEREAS it is expedient to make better provision for the management of municipal affairs of the Mysore Kolar Gold Fields Area ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Kolar Gold Fields Municipal Act, 1951. Short title, extent and commencement.

(2) It extends to the Kolar Gold Fields Area as defined or the time being by notification under this Act.

(3) This section shall come into force at once ; and the remaining provisions of this Act shall come into force on such date as the Government may, by notification in the *Mysore Gazette*, appoint.

2. In this Act, unless there be anything repugnant in the subject or context— Definitions.

(1) "Annual Letting Value" means the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon might reasonably be expected to be let from year to year.

(2) "Appointed Day" means the date appointed under sub-section (3) of section 1 ;

(3) "Area" means the Kolar Gold Fields Area as defined for the time being by notification under section 3 ;

(4) "Building" includes a house, out-house, stable, latrine, shed, hut, wall, verandah, fixed platform, plinth, doorstep, staircase and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever ;

(5) "Commissioner" means the Commissioner for Local Self-Government appointed by the Government ;

(6) "Councillor" means any person who is legally a member of the municipal council ;

(7) "Dangerous Disease" means cholera, plague, small-pox, and any endemic, epidemic, or infectious disease by which the life of man is endangered and any other disease notified by the Government as a dangerous disease;

(8) "Election Commissioner" means the Subordinate Judge having jurisdiction over the Area and includes any other Judge specially appointed in this behalf by the Government;

(9) "Government" means the State Government;

(10) "Judge" means District Judge, Judge of a Court of Small Causes, Subordinate Judge or Munsiff:

(11) "Land" includes land which is built upon or covered with water;

(12) "Municipal Commissioner" means a person appointed under the provisions of section 233 and includes a person appointed to act as municipal commissioner under sub-section (3) of section 236;

(13) "Municipal Council" means the municipal council of the Area;

(14) "Municipality" means the Area to which this Act extends;

(15) "Notification" means a notification published in the *Mysore Gazette*;

(16) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(17) "Occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant;

(18) "Official Year" means the year commencing on the first day of April;

(19) "Owner." includes the person for the time being receiving the rent of lands and buildings, or

either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant:

Provided that no person receiving the rent of any land or building as agent or trustee for another person shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he has funds of or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required;

(20) "Prescribed" means prescribed by any rule made by the Government under this Act;

(21) "Private Street" means any street, road, square, court, alley, passage or riding path, which is not a 'public street,' but does not include a pathway made by the owner of a premises on his own land to secure access to or the convenient use of such premises;

(22) "Public Securities" means—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore, or of any other State Government.

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by a law in force in the State, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf;

(23) "Public Street" means any street, road, square, court, alley, passage or riding path, over which the public have a right of way, whether a thoroughfare or not and includes—

(*a*) the roadway over any public bridge or cause-way;

(*b*) the footway attached to any such street public bridge or causeway;

(c) the drains abutting to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Government or the municipal council; and

(d) any street which, under any provision of this Act, becomes a public street;

(24) "Salaried Servant of the Government" does not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government;

(25) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Act;

(26) "Vehicle" shall include bicycles, tricycles, and every wheeled conveyance which is used or is capable of being used on a public street;

(27) "Whole Number" shall mean, when used with reference to the councillors of the municipal council, the total number of councillors holding office at the time.

Limits of the Area.

3. (1) The Government may, from time to time, by notification, declare what, for the purposes of this Act, shall be the area and limits of the Kolar Gold Fields Area and may, at any time, in like manner, alter such area and limits.

(2) It shall be the duty of the municipal council to cause at its own cost, to be erected and set up, if and when so required by the Commissioner, and thereafter to maintain at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Commissioner, defining the limits or the altered limits of the municipality subject to its authority as set forth in the notification under sub-section (1).

CHAPTER II.

CONSTITUTION OF THE MUNICIPAL COUNCIL.

(1) *Municipal Council.*

4. (1) The municipal affairs of the Area shall be administered by a body corporate to be styled the Municipal Council of the Kolar Gold Fields Area which shall have perpetual successi on and a common seal and may sue and be sued by its corporate name. Incorporation of municipal council.

(2) The municipal council shall consist of a President and thirty other councillors.

5. (1) Except as is hereinafter otherwise provided, the municipal council shall consist of— Constitution of municipal council.

(*a*) elected councillors ;

(*b*) nominated councillors, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf, by the Government.

(2) The number of elected councillors shall be twenty ; and of the number of nominated councillors, the salaried servants of the Government shall not exceed one-half.

(3) During a period of ten years from the appointed day, seats shall be reserved in the municipal council for the election of members of the Scheduled Castes and the number of such seats shall bear, as nearly as may be, the same proportion to the total number of seats reserved for being filled up by election as the population of the Scheduled Castes in the municipality bears to the total population of the Area :

Provided that the expiry of the said period of ten years shall not affect the representation of Scheduled Castes in the municipal council until the expiry of the term of office of its members.

Explanation.—For the purposes of this sub-section the population of the Area shall be deemed to be the population of the Area as ascertained at the last preceding census of which the relevant figures have been published.

(4) Nothing contained in this section shall be deemed to prevent members of the Scheduled Castes from standing for election, to the non-reserved seats in the municipal council.

(5) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 13 may, notwithstanding anything contained in this Act, be filled up by nomination by the Government.

Territorial divisions for elections.

6. (1) For the purposes of election of councillors to fill the seats reserved for election, the municipality shall be divided into twenty territorial divisions the boundaries of which shall be fixed by the municipal council and approved by the Commissioner by notification.

(2) The Commissioner may, in consultation with the municipal council, by notification, alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

Qualification for enrolment in the electoral roll.

7. (1) Every person of either sex who has attained the age of twenty-one years on the first day of April in the year preceding that in which the electoral roll is published and who is not otherwise disqualified under this Act, shall be included in the electoral roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 6.

(2) No person shall be included in such electoral roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the official year preceding that in which the electoral roll is published :

Provided that a person shall not be deemed to be disqualified under this sub-section, if he is employed in the municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division.

8. (1) When, in accordance with the rules made under clause (*b*) of sub-section (2) of section 226, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal electoral roll. The electoral roll shall come into force from the date of its publication and shall continue in force for a period of four years or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new electoral roll shall be published: Operation of lists.

Provided that—

(*a*) in the case of an election held after an electoral roll has ceased to have force and before the publication of the new electoral roll, the old electoral roll shall continue to operate as the electoral roll;

(*b*) at any time any person whose name is not in the electoral roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the electoral roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the electoral roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the electoral roll after affording the person affected an opportunity of being heard;

(*d*) no change in the electoral roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

(2) At every election of councillors, every person enrolled in the municipal electoral roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote. Right to vote to depend on entry in roll.

(3) A person shall not be qualified to be elected as councillor unless he is enrolled in the municipal electoral roll and a person who is already a councillor shall not be qualified to be a candidate at a bye-election held before his term of office as councillor, expires. Enrolment in municipal electoral roll necessary for election as councillor.

(2) *Municipal Councillors.*

General disqualifications for becoming a councillor.

9. (1) (A) No person shall be qualified for being chosen as, and for being, a councillor—

(*a*) (i) who has been sentenced by a criminal court to transportation or to imprisonment for a term exceeding six months, for any offence other than an offence of a political character or an offence not involving moral turpitude (such sentence not having been reversed or quashed or the offence pardoned), or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who holds any office of profit under the Government of India or the Government of Mysore or the Government of any State specified in the First Schedule to the Constitution of India, or

(iv) who has been dismissed from municipal, district board or Government service, or

(v) if, having been a legal practitioner, he has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of such suspension, or

(vi) who has been removed from office under section 11 of this Act or section 14 of the Mysore City Municipalities Act, 1933, or section 16 of the Mysore Town Municipalities Act, 1951, or

(*b*) who is of unsound mind and stands so declared by a competent court, or

(*c*) who is an undischarged insolvent, or

(*d*) who is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State, or

(*e*) who is less than twenty-five years of age; and

(B) No person—

(*a*) who is a subordinate officer or servant of a municipal council, district board, panchayet or Government, or

(*b*) who, save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of the municipal council, or in any contract or employment with or under, or by or on behalf of the municipal council, or

(*c*) who is employed as paid legal practitioner on behalf of the municipal council or accepts employment as legal practitioner against the municipal council, may be a member of the municipal council :

Provided that—

(*a*) the disqualifiation in sub-clause (ii) of clause (A) (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(*b*) the disqualification in sub-slauses (i), (iv) and (vi) of clause (A) (*a*) will cease to operate after the expiry of four years from the date of such sentence, dismissal, or removal or earlier by an order of the Government;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (*b*) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the Mysore Co-operative Societies Act, 1948, which shall contract with or be employed by, or on behalf of, the municipal council, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by, or on behalf of the municipal council, or

(v) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding

in any one official year, such amount as the municipal council, may, with the sanction of Government, fix in this behalf, or

(vi) having a share or interest in the occasional letting out on hire to the municipal council, or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding five hundred rupees as the municipal council may fix in his behalf;

(*d*) the disqualification in sub-clause (iii) of clause (A) (*a*), clause (A) (*d*) and clause (B) (*a*) shall not operate in respect of a nominated member of the municipal council. If any person is elected or nominated as a councillor in contravention of these provisions, his seat shall be deemed to be vacant.

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities from continuing to be a councillor.

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(*b*) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii) or (v) of clause (*c*) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the municipal council, or

(*c*) absents himself from the meetings of the municipal council, during three successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*d*) fails to pay any arrears of taxes due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Power of Government to decide whether vacancy has occurred.

10. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the receipt of the notice.

Resignation.

11. The Government, if it thinks fit, on the recommendation of the municipal council, may remove any councillor elected or appointed under this Act, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Liability to removal from office.

12. Councillors nominated or elected at a general election under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 11 or section 224, hold office for a term of four years, extensible by order of the Government to a term not exceeding in the aggregate five years if, on any occasion, the Government shall think fit, for reasons which shall be notified together with the order in the *Mysore Gazette*, so to extend the same.

Term of office.

13. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 15 or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, within a period of three

Casual vacancies how to be filled up.

months, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held office if the vacancy had not occurred.

Notification of names of persons elected.

14. The names of persons elected or appointed as the case may be as vice-president and councillors of the municipal council, shall be notified by the Government in the *Mysore Gazette.*

Municipal Elections.

Determination of validity of elections, enquiry by judge, procedure.

15. (1) At any time within ten days after the date of the notification in the *Mysore Gazette* of the name of the person elected as a councillor, any candidate who stood for election or any ten persons qualified to vote at that election, may apply, together with a deposit of fifty rupees as security for costs to the Election Commissioner appointed by the Government in this behalf for the determination of the validity of the election.

(2) The Election Commissioner may, after such enquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said Election Commissioner may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidates whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the Election Commissioner, provided it is only on a point of law and is preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order. If the Election Commissioner sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

(3) (*a*) The Election Commissioner, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Declaration in case of corrupt practice by a candidate.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Election Commissioner shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected:

Scrutiny of votes and declaration in other cases.

Provided that, for the purpose of such computation, no vote shall be reckoned as valid if the Election Commissioner finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section—

What is a corrupt practice?

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Candidate when deemed to have committed corrupt practice.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or if any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Promise of individual profit.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (*b*) of sub-section (2) of section 226 or of an irregularity or informality not corruptly caused, the Election Commissioner shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or rules made thereunder whereby the result of election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the Election Commissioner sets aside an election under clause (*a*) of sub-section (3) he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor in the municipality or any municipality constituted under the Mysore City Municipalities Act, 1933, or the City of Bangalore Municipal Corporation Act, 1949, or the Mysore Town Municipalities Act, 1951, or for the office of a member or president or vice-president in a district board or of a member or chairman in a village panchayet for a term of years not exceeding seven and the Election Commissioner's decision shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made :

Provided further that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualifications.

Bar of suits relating to elections etc.

16. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of a councillor, or vice-president, unless such suit is authorised by the provisions of this Act or any rule made under this Act.

(4) *Municipal Government.*

Municipal Government to vest in the municipal council.

17. (1) Except as in this Act otherwise expressly provided, the municipal government of the municipality vests in the municipal council.

(2) The executive power for the purpose of carrying out the provisions of this Act vests in the Municipal Commissioner, subject, wherever it is in this Act expressly so directed, to the approval or sanction of the municipal council and subject also to all other restrictions, limitations and conditions imposed by this Act.

(5) *President.*

18. The office of president of the municipal council shall be held, unless otherwise ordered by the Government, by the Deputy Commissioner for the time being of the Kolar District. President.

(6) *Vice-President.*

19. (1) The municipal council shall have a vice-president who shall be elected by the councillors from among the (elected) councillors in accordance with the rules prescribed in this behalf. Vice-president to be elected.

(2) If the municipal council fails to elect a vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the vice-president, may be appointed by the Government from among the elected councillors.

(3) A vice-president who for a period exceeding one month, shall absent himself from the municipality in such manner as to be unable to perform his duties as such vice-president, he shall cease to be vice-president unless leave so to absent himself has been granted by the municipal council. Consequence of absence of vice-president without leave.

(4) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a vice-president the vacancy in the office of the vice-president may be filled up by election of another councillor thereto. Limit of grant of leave and arrangements during leave.

(5) A vice-president of the municipal council shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose: Vacation of office by vice-president for want of confidence.

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one-third of the whole number of councillors and at least

fifteen days' notice has been given of the intention to move the resolution.

Removal of vice-president.

(6) A vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties.

Term of office of vice-president.

(7) The term of office of every vice-president shall, save as otherwise provided in this Act, cease on the expiry of two years from the date of his election, provided that in the meantime he does not cease to be a councillor.

Vacancies in his office how to be filled up.

(8) In the event of the non-acceptance of office, death, resignation, vacation of office under sub-section (5) or removal from office of a vice-president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 9, previous to the expiry of his term of office as vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a vice-president during such vacancy :

Provided that no person who has been removed from his office as vice-president under sub-section (6), shall be eligible for re-election under this sub-section.

Remuneration of vice-president of municipal council.

(9) The vice-president of the municipal council may receive out of the municipal fund such monthly allowances as the municipal council may sanction from time to time with the approval of the Government.

Functions of presidents.

20. (1) Subject to the provisions of chapter XIII, it shall be the duty of the president of the municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and subject to the provisions of the rules for the time being in force under clause (*a*) of section 45, to regulate the conduct of business at such meetings ;

(*b*) watch over the financial and executive administration of the municipal council;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act;

(*d*) subject to the provision of section 34 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council.

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Government a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 214.

Channel of communication with Government.

(2) All correspondence between a municipal council and the Government shall be conducted through the president.

Custody of records.

21. The municipal commissioner, shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council, the managing committee and other committees and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

22. (1) It shall be the duty of the vice-president of the municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him in accordance

with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president in the absence of the president, and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (*a*) of sub-section (1) of section 20.

CHAPTER III.

CONDUCT OF BUSINESS.

(1) *Municipal meetings.*

rovisions in regard to meetings of municipal council.

23. The following provisions shall be observed with respect to the meetings of the municipal council :—

Ordinary general meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to

the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting:

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

(4) Every meeting of the municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as the municipal office by the municipal council.

Municipal meetings to be held at municipal office.

(5) Every meeting shall in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 20.

Meeting how presided over in the absence of both the president and vice-president.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should be held in private, provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Meeting must ordinarily be open to the public.

(7) If less than one-third of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting provided that not less than one-fourth of the whole number of councillors be present. Any

Number of councillors required to form a quorum.

subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in English, and if the municipal council so resolves in Kannada also, minutes of the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 45.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the council if the

question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(13) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Adjournments of meetings.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Modification and cancellation of resolutions.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of the municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

Certain Government officers may attend meetings of municipal councils.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer within the district, approved and notified by the Government in this behalf, if not members of the municipal council shall have the right of being present at any meeting of the municipal council, and with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to the municipal council:

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

Municipal council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to the municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of the municipal council, it shall be competent to the municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer, on receipt of such letter may, if unable to be present himself, instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative instead of appearing thereat in person.

Explanation.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal engineering officer in or for the district.

Right of municipal commissioner to be present and to speak at municipal meetings.

24. (1) The municipal commissioner shall have the same right of being present at a meeting of the municipal council or the managing or other committee and of taking part in the discussion thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands without discussion, may at any time make a statement or explanation of facts, but he shall

not be at liberty to vote upon, or to make any proposition at such meeting.

(2) The municipal commissioner shall attend any meeting of the municipal council or of the managing or other committee if required to do so by the president.

Rights and privileges of individual councillors and president.

25. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the municipal commissioner, when there is one, and in other cases to the president, provided that the municipal commissioner or the president may, for reasons given in writing, forbid such access. The councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final.

(4) The president shall have full access to all the records of the municipal council and the municipal commissioner shall comply without unreasonable delay with any requisition of the president for any information appertaining to the municipal administration.

(2) *Committees.*

Managing committee.

26. (1) The municipal council shall constitute a committee called the managing committee, consisting of the president and such number of councillors not exceeding eight or less than two as may have been elected for a period not exceeding one year in accordance with rules under clause (*a*) of section 45.

Powers of managing committee.

(2) The managing committee shall, subject

(i) to any limitations prescribed by the municipal council specially in this behalf and generally by rules made under clause (*a*) of section 45; and

(ii) to the provisions of chapter XIII;

exercise all the powers of the municipal council:

Provided that no managing committee shall exercise any powers with which any committee appointed under section 27 is vested.

Other committees.

27. The municipal council may constitute in addition to the managing committee constituted under section 26, any other committee for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors or committees, to enquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

28. Notwithstanding anything contained in this Act, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint as members of any committee under section 27, any persons who are not councillors, but who may in the opinion of the municipal council possess special qualifications for serving on such committees, provided that the number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons.

Casual vacancies—Re-eligibility.

29. A vacancy occurring in a managing committee shall, as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee.

When chairman to be *ex-officio*.

30. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members.

If there is no chairman, *ex-officio* or appointed by the municipal council.

31. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 23 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of the municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 23, there were substituted the word "committee."

Procedure at meetings:

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 23, committees may record their proceedings either in English or in Kannada as they may think fit.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of

Committees shall meet when they think proper.

the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

32. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 23, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 23, desires to record.

Decisions how to be taken on propositions circulated.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book.

Subordination of committees to instructions of municipal council, and compliance with requisitions of municipal council.

33. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

(2) Every order passed by a committee appointed under section 26 or 27 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf.

Orders subject to revision and appeal.

(3) *Delegation of Powers to individuals.*

34. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on the Municipal Commissioner under Chapter XIII or on any committee by or under section 26 or 27, and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein:

Powers, duties and functions may be delegated to officers whose expenses may be paid.

Provided that the powers or duties or executive functions under this Act or under any rule or bye-law made hereunder conferred or imposed upon or vested in the municipal commissioner shall not be delegated save as provided in section 244.

(4) *Validity of Proceedings.*

35. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

No resolution of the municipal council or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

(2) Until the contrary is proved, every meeting of the municipal council or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act,

Proceedings of meetings to be good, and valid, until the contrary is proved.

shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified ; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in the municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint Transctions with other Bodies.*

Joint committees.

36. The municipal council may from time to time join with any other municipal council constituted under the Mysore Town Municipalities Act, 1951, or the Mysore City Municipalities Act, 1933, or with any district board, or with more than one such municipal council or board.—

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee ;

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

37. (1) The municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any movable or immovable property which may, for the purposes of this Act, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purpose of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in

order to carry into effect the said provisions and purposes.

(2) In the case of every free grant of immovable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immovable property exceeding two thousand rupees in value the previous sanction of the Government is required.

Subject in certain cases to sanction of Government.

(3) In the case—

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(4) In the case of a contract for the purchase of movable property, or for the sale of any movable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds two thousand rupees, sanction of the municipal council is required.

Sanction of municipal council when requisite in other cases.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds fifteen thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

When tenders should be invited.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee, or of such individual as under the provisions of this Act or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Sanction by committees and individuals empowered.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of section are fulfilled.

(8) Mo contract shall be binding on the municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 53 and chapters XIII and XIV.

Contracts by officers appointed by Government to execute municipal works and payment for such works.

38. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of the municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work ; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory Acquisition of Land.*

Acquisition of land.

39. When any land, whether within or without the limits of the municipality, is required for the purposes of this Act, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Mysore Land Acquisition Act, 1894, and on payment by the municipal council of the compensation awarded under that Act and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of Councillors, Officers and Servants.*

40. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all cost in respect of any such contract or agreement and all such expenses.

Municipal fund ordinarily liable for all cost and expenses incurred by municipal councils.

(2) Every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the Municipal Commissioner, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Act, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Liability of president, vice-president, members and officers for loss, waste or misapplication.

41. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with by or on behalf of, the municipal council, or in any employment with, under, by, or on behalf of, the municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Effect of acquiring such interest.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, the municipal council as, under sub-clause (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 9, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Saving clause.

Penalty for councillor, officer or servant of a municipal council being interested in any contract, etc., with that municipal council.

42. (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, the municipal council, not being a share or interest such as, under section 9, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under by, or on behalf of, the municipal council, not being a share or interest such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 9, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

43. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of sweepers and scavengers without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

44. (1) Every municipal councillor, officer or servant, every auditor appointed under section 205 and every lessee of the levy of any municipal tax and every servant or other person employed by any such lessee,

and every auditor shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include the municipal council.

CHAPTER IV.

RULES AND BYE-LAWS

45. The municipal council shall make rules not inconsistent with this Act or with the rules made by the Government under section 226 and may, from time to time, alter or rescind them— *Municipal council to make rules.*

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees; *Regulating the conduct of business.*

(*b*) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the municipal commissioner and the delegation of any of its powers or duties to such persons; *Fixing the functions of the president and the establishment.*

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other allowance of such officers and servants and the powers and duties delegated to them under section 34;

(*c*) generally for the guidance of its officers and servants in all matters relating to the municipal administration; *For general guidance of municipal servants.*

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security; *Fixing the amount of the security to be furnished.*

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant; *Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.*

Granting leave to municipal servants.

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

Contributing to provident funds.

(*g*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants;

Prescribing the taxes, etc., to be levied for municipal purposes.

(*h*) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the limits of the charges or payments to be fixed in lieu of any tax under section 81, and the fees to be charged for licenses or permissions granted under section 80, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of movable property under section 95 shall be held;

For writing off amounts due and remitting fees.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted:

Provided that—

Approval required to rules.

(i) no rule made or any alteration or rescission of a rule made by the municipal council under this section shall have effect unless and until it has been approved by the Government,

(ii) that the municipal council shall not, except with the assent of the Government, dispense with the services of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dismiss from the service of the municipal council any officer transferred from the service of the municipal council to the service of Government.

Power to suspend, reduce or abolish any existing tax.

46. (1) Subject to the requirements of proviso (i) to section 45, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 84, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Power to make bye-laws.

47. (1) The municipal council may, from time to time, with the previous sanction of the Government make, alter or rescind bye-laws, not inconsistent with this Act—

For markets and slaughter houses, etc.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; for regulating the sale of fruit and vegetables in the municipal markets or other specified places; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council;

For licensing, regulating and inspecting certain businesses.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council.

(i) as slaughter-house ,

(ii) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables ;

(iii) for any of the purposes specified in schedule XIII ;

(iv) as a dairy, hotel, restaurant, eating-house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or aerated waters ;

(v) as a place for the preparation or manufacture of oil ;

(vi) for parching grain or bengalgram on a large scale ; or

(vii) for any other purpose for which the taking out of a license is or may be prescribed ;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

Regulating the stalling of cattle, etc.

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such bye-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health ;

For regulating dairies and cattle-sheds.

(*d*) (i) for the inspection of milch cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

Milk stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or butter-men for milk or butter ;

For inspection of weights and measures.

(*e*) for the inspection of instruments for weighing and weights and measures under section 171 ;

(*f*) for the registration of births, deaths and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective; For registration of births, etc.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead; Regulating the disposal of the dead.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 172, 173 and 175; For enforcing information as to epidemics.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein; For enforcing information as to liability to municipal taxation.

(*j*) for the numbering and registration of any vehicle liable to taxation under this Act;

(*k*) fixing octroi limits and stations; providing for the exhibition of tables of octroi requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn; regulating subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made; Octroi bye-laws.

(*l*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or For protecting water.

without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off, and preventing the waste of water and the construction, maintenance and control of municipal water-works and of pipes, and fittings in connection therewith, whether the property of the municipal council or not;

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(*m*) regulating the use of public bathing and washing places within municipal limits;

For conservancy.

(*n*) regulating sanitation and conservancy;

For constructing houses for the poor.

(*o*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (*c*) of section 57;

For the disposal of carcasses.

(*p*) regulating the disposal of carcasses of dead animals;

Regulating structures and buildings.

(*q*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors, roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health;

For regulating construction or use of buildings.

(*r*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose;

For providing for streets.

(*s*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets;

For ensuring ventilation.

(*t*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient

open space either internal or external and of doors and windows and other means for securing a free circulation of air;

(*u*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, waterclosets, privies, latrines, urinals, and drainage or sewerage works of every description, whether the property of the municipal council or not; Control of drains.

(*v*) determining the information and plans to be required by the municipal council under sections 105 and 113; Requiring information and plans in certain cases.

(*x*) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street; prohibiting the transit of any vehicles of such form construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such bye-laws, or in special licenses to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such bye-laws: For controlling unwieldy traffic.

Provided that no such bye-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street;

(*y*) securing the protection of public parks, gardens and open spaces, vested in or under the control Public parks.

of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them;

Requiring qualified surveyors and plumbers.

(*z*) prescribing the qualifications of surveyors or persons by whom plans required under section 113 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses; and for modifying the provisions of, or revoking such licenses; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons;

For licensing factories, the use of steam whistles, etc.

(*aa*) prescribing the conditions on or subject to which and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory as defined in the Factories Act, 1948, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed;

General.

(*ab*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of bye-laws.

And the municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such bye-law.

Publication of drafts of proposed bye-laws.

(2) The municipal council shall, before making any bye-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(3) When any bye-law made by the municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection

or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

48. The rules and bye-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in English as well as in Kannada shall be kept on sale at cost price.

Rules and bye-laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

49. (1) The municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Power to acquire and hold property.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of nature or kind whatsoever, not being specially reserved by the Government which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act; that is to say—

Property vested in the municipal council.

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes ;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to Government to resume property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal fund.

50. All money received by or on behalf of the municipal council by virtue of this or any other Act ; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act ; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property ; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section :

Provision as to special trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon the municipal council by any declarations of trust executed by or on behalf of the said municipal council, or by any scheme settled by order of the Government for the administration of any trust.

Application of municipal fund and property.

51. The municipal fund and all property held by or vested in the municipal council under this Act shall be applied, subject to the provisions of this Act for the purposes specified in sections 54, 55 and 57 and for all other purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interest.

Power to deposit and invest surplus funds.

52. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside the State of Mysore any surplus funds in its

hands which may not be required for current charges, and with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Surplus not so deposited or invested how to be dealt with.

53. The municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act.

Power of municipal councils to borrow money.

CHAPTER VI.

OBLIGATORY AND DISCRETIONAL FUNCTIONS OF THE MUNICIPAL COUNCIL.

54. It shall be the duty of the municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

Duties of municipal council.

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

(*ca*) disposing of, and, if so required by the Government, preparation of compost manure from night soil and rubbish ;

Explanation :—In this clause rubbish includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, putrid and putrifying substances and refuse of any kind.

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;

(*k*) naming streets and numbering houses ;

(*l*) registering births and deaths ;

(*m*) public vaccination ;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph ;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 147 of this Act ;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits ;

(*r*) housing and maintaining destitute orphans and destitute cripples;

(*s*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit;

(*t*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

Special duties.

55. Subject to such reasonable provision as is mentioned in section 54, the municipal council shall make reasonable provision for the following special matters, namely:—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

Power of Government to exempt municipal council from any of the duties.

56. Notwithstanding anything contained in sections 54 and 55, the Government may exempt the municipal council from any of the provisions of those sections or may declare that any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 57.

Discretionary powers of expenditure of municipal council.

57. The municipal council may, at its discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic

asylums, halls, offices, dharmasalas, rest-houses and other public buildings ;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith ;

(*d*) on such terms and conditions as the Government approves, the promotion, formation, extension or assistance of—

(1) a co-operative society for the benefit of municipal employees ; or

(2) any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes,

by any or all of the following means :—

(i) the acquisition of land with a view to selling or leasing the same to such society ; or

(ii) the making of grants or loans thereto ; or

(iii) subscription for any share capital therein ; or

(iv) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued thereby ;

(*e*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf ;

(*f*) granting loans to encourage local arts and industries ;

(*g*) planting and maintaining roadside and other trees ;

(*h*) taking a census ; and granting rewards for information which may tend to secure the correct registration of vital statistics ;

(*i*) making a survey ;

(*j*) securing or assisting to secure suitable places for the carrying on of the trades referred to in section 179 ;

(*k*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances

whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*l*) establishing and maintaining a farm or factory for the disposal of sewage;

(*m*) providing music for the people;

(*n*) the establishment and maintenance of dairy farms;

(*o*) with the sanction of the Government, the construction, purchase, organisation, maintenance or management of—

(i) tramways, or

(ii) motor or other transport facilities for the carriage of the public,

or guaranteeing the payment from the municipal fund of such sums as the municipal council shall think fit as interest on capital expended by the Government or a company for the aforesaid purposes;

or granting loans for providing capital for any of the said purposes;

(*p*) the maintenance of an ambulance service;

(*q*) the promotion of public health or infant welfare;

(*r*) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(*s*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Government, any public reception, ceremony, entertainment or exhibition within the municipality;

(*t*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life; and

(*u*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Act, expenditure whereon is

resolved by the municipal council by the votes of not less than one-half of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

58. When the municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution, a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

59. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

Taxes which may be imposed.

60. The municipal council—

(*a*) after observing the preliminary procedure required by section 61, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 62 the Government in according such sanction deems fit, may impose, for the purposes of this Act, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI [except the levy under clause (xiii) which shall be levied in accordance with the provisions of section 65-A.],

(i) a rate on buildings or lands or both situated within the municipality;

(ii) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use;

(iii) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding ;

(iv) an octroi on animals or goods, or both brought within the octroi limits for consumption or use or sale therein ;

(v) a tax on dogs kept within the municipality ;

(vi) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required ;

(vii) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse ;

(viii) a water-rate or water rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(ix) a lighting tax ;

(x) a tax on arts, professions, trades and callings ;

(xi) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (xi) in respect of the business or professions carried on in the shop or place ;

(xii) a duty on certain transfers of immovable property in the shape of an additional stamp duty :

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government or the Government of India and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit;

(ii) any vehicle, animal or other property belonging to the Government or the Government of India and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja of Mysore or for the location of the establishments of His Highness the Maharaja of Mysore or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja of Mysore.

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops or the conveyance of the property of His Highness the Maharaja of Mysore or of Government Stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Act;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Armed Forces of the Union, or in respect of one bicycle and one horse kept by the members of the Mysore police force for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (vii), (viii) and (ix), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing.

61. The municipal council before imposing a tax shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 60 and prepare rules for the purposes of clause (*h*) of section 45, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(ii) the amount or rate at which the municipal council proposes to assess each such class;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(iv) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed or to the classes of persons or property to be made liable thereto or to any exemptions proposed may, within one month from the publication of the said notice, send his objection in writing to the municipal council:

the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

62. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed, or

(ii) to such conditions as to be application within the municipality to any purpose or purposes of this Act specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice.

63. All rules sanctioned under section 62 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof, shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 62 the sanction was given:

Provided that—

(*a*) a tax leviable by the year,

(i) shall not come into force except on one of the following dates, *viz.*, the first day of April—the first day of July—the first day of October—the first day of January in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first day of April it shall be leviable by the quarter till the first day of April then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 45, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable.

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

Duty on transfers of immovable properties.

64. (1) The duty on transfers of immovable property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments of sale, gift and mortgage of immovable property situated within the limits of the municipality at a rate not exceeding one per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument:

Provided that no such duty shall be leviable in respect of mortgages where the amount secured by a mortgage does not exceed Rs. 2,500.

(2) On the introduction of the transfer duty—

(*a*) section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the municipality.

(*b*) section 64 of the same act shall be read as if it referred to the municipal council as well as the Government.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No duty shall be chargeable in respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under this section in respect of such instrument.

Seizure of vehicles not bearing numbers, and procedure after seizure.

65. (1) If any direction for the numbering and registration of a vehicle contained in a bye-law made under clause (*j*) of sub-section (1) of section 47 is not observed in respect of any vehicle, then any authority empowered in this behalf by the municipal council may, at any time, seize and detain the vehicle or the animal, if any, by which it is drawn or both :

Provided that no vehicle other than a bicycle, tricycle or rikshaw shall be seized and detained when actually employed in the conveyance of any passenger or goods.

(2) If a vehicle or animal is detained under sub-section (1), and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon and other amounts due under sub-section (4) within ten days from the date of seizure, such authority as the municipal council may empower in this behalf may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(*a*) the tax, if any, due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority may direct, and

(*c*) the charge incurred in connection with the seizure, detention and sale.

(3) If there is a surplus after such payment, the municipal council shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal council.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(*a*) the tax due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority specified in sub-section (1) may direct, and

(c) the charges incurred in connection with seizure and detention.

(2) *Assessment of and liability to rates.*

66. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both, the municipal council shall, with the previous sanction of the Government, appoint an assessor. Appointment of assessor.

(2) The municipal council may also assign to the assessor any other work which in its opinion he can perform without prejudice to his duties as assessor.

67. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing— Preparation of an assessment list.

(a) the name of the street or division in which the property is situated;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) names of the owner and occupier, if known;

(d) the annual letting value or other valuation on which the property is assessed; and

(e) the amount of the tax assessed thereon.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property. Power to inspect.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature— Returns to be furnished.

(a) as to the name and place of abode of the owner or occupier, or of both;

(b) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

68. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

69. When the assessment list has been completed, the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

70. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) The municipal commissioner shall be the revising authority to whom objections under sub-section (1) may be made.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent, Hearing of objections.

(a) investigate and dispose of the objections;

(b) cause the result thereof to be noted in the book kept under sub-section (3); and

(c) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) From every order of the municipal commissioner under sub-section (4), there shall be an appeal in accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 33.

(6) When all objections made under this section and appeals under sub-section (5), have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority. Authentication of list.

(7) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published. Custody and inspection of list.

(8) Subject— Authenticated list how far conclusive.

(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(b) to the result of any appeal made under section 99, the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

71. (1) The municipal council may, at any time, alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 70, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 99, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed ; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

Notice to be given to the municipal council of demolition or removal of a building.

72. (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the municipal council, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the municipal council.

(2) Until such notice is given, the person aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

73. (1) It shall not be necessary to prepare a new assessment list every year, Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

New assessment list need not be prepared every year.

(2) But the provisions of sections 69, 70 and 71 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

74. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely :

Tax from whom primarily leviable.

(*a*) if the property is let, from the lessor ;

(*b*) if the property is sublet, from the superior lessor ;

(*c*) if the property is unlet, from the person in whom the right to let the same vests :

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater.

Recovery from occupiers.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Remedy of occupier in such case.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

75. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

76. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1908.

Name of transferee to be substituted in the municipal registers.

77. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands continue in the absence of notice of transfer.

78. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 100 for the recovery of the taxes due thereupon.

79. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be :

Remission of tax in case of vacancies ; when obligatory.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) When any such building or land as aforesaid—

When discretional.

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements, one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Burden of proof on claimant.

(4) For the purposes of this section, a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Explanatory clause.

(3) *Power to charge fees.*

80. (1) When any license is granted by the municipal council under this Act, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal

Municipal council may charge fees for certain licences.

council, the municipal council may charge a fee for such license or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by bye-laws either under clause (*a*) of sub-section (1) of section 47 for the use of any such places mentioned in that sub-section, as belong to the municipal council, or for any other purpose relating to municipal administration.

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

Fixed charges and agreements for payment in lieu of taxes for water supplied.

81. (1) The municipal council may, instead of imposing a water-rate, or where a water-rate has been imposed in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipal council to, or for use in connection with, any private lands or buildings,

(*a*) fix at rates not exceeding such as shall be specified in the rules in force under section 45, charges for such supply according to the quantity used as ascertained by measurement.

(*b*) arrange with any person, on his application, to supply on payment, periodical or otherwise water belonging to the municipal council in such quantities or for such purposes, whether

domestic, ornamental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as it shall fix by agreement with such person :

Provided that—

(*a*) the meter, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the municipal council, and the expense thereof shall, so far as is not inconsistent with the rules or bye-laws of the municipal council, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the bye-laws for the time being in force under section 47.

Power to fix a special rate in lieu of special sanitary cess.

(2) When the municipal council has made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either ;

(*i*) in accordance with the rules for the time being in force under section 45, or

(*ii*) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the municipal council of the service to be rendered.

Power to compound tax on vehicles or animals.

(3) When the municipal council has imposed a tax on vehicles or animals used for riding, draught or burden and kept within the municipality for use, it may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lumpsum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Composition of toll.

(4) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Recovery of sums claimed under this section.

(5) Every sum claimed by the municipal council as due under sub-section (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-sections (3) and (4) shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Certain rights not affected by section 83.

82. Nothing contained in section 81 shall affect the right or powers of the municipal council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the municipal council may think fit, any quantity of water belonging to the municipal council but not required for the purposes of this Act.

Power of Government to suspend or prohibit levy of objectionable taxes.

83. If it shall at any time appear to the Government on complaint made or otherwise, that any tax leviable by a municipal council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the *Mysore Gazette*, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

84. Whenever it appears to the Government that the balance of the municipal fund of the municipal council is insufficient for meeting the expenditure incurred under section 217 or under section 219 or for the performance of any duties in respect of which it shall have been declared under section 222 to have committed default, the Government may, by notification, require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 60 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 61 :

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi bye-laws to be submitted with proposal for imposition of octroi.

85. The municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of bye-laws for the purposes of clause (*k*) of sub-section (1) of section 47, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

86. (1) Every person bringing into, or receiving from beyond the octroi limits of the municipality any article on which octroi is payable shall, when required by an

officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article ; and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of the municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

87. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall, on conviction by a magistrate, be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

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88. (1) Any person,—

(a) selling or keeping for sale without a license any article liable to octroi and for the sale of which a license is required to be obtained, or

(b) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a license is required to be obtained,

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid.

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a license is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a license is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(3) The provisions of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to all, searches and arrests effected under this section.

Searches and arrests to be governed by the Code of Criminal Procedure 1898.

Tables of tolls to be shown on demand.

89. The municipal council imposing any toll under this Act shall cause to be kept at each place, where such toll is to be collected, a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Power to seize vehicle on non-payment of octroi or toll.

90. (1) In the case of non-payment on demand of any octroi or of any toll leviable by the municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of schedule XII.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

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91. The municipal council, if it thinks fit, instead or requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit, or furnish such security as the municipal council or any committee or officer authorised by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of chapter, VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

92. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Act by public auction or private contract.

Farming of tolls.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 90; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

93. (1) When any amount—

Presentation of bill for taxes.

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of of section 90, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in the municipality,

shall have become due, the municipal council shall, with the least paracticable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

Contents of bill.

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of schedule X, or to the like effect.

In what cases warrant may issue.

94. (1) If the person on whom a notice of demand has been served under section 93, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal commissioner, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 99 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by an officer to whom the municipal council has delegated its powers under section 34 or by the municipal commissioner.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under the Mysore City Municipalities Act, 1933, or under the Mysore Town Municipalities Act, 1951, or in a place which is not a municipality constituted under the aforesaid, Acts, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the Taluk as the case may be; provided that such president or Amildar may endorse such warrant to a subordinate officer.

To whom the warrant should be addressed.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any, outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Power of entry under special order.

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention and has given such women an opportunity to remove.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

Warrant how to be executed.

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artisans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as

possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(c) The officer shall on distraining the property forthwith make an inventory thereof, and shall, before removing the same, give to the person in possession thereof at the time of distraint, a written notice in the form of schedule XII.

Sale of goods distrained in special cases.

95. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of property distrained; application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint, but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

96. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 95.

Distraint and sale outside the municipality.

97. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

Summary proceedings may be taken against persons about to leave the municipality.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

98. Fees for—

Fees and costs chargeable.

(*a*) every notice issued under sub-section (3) of section 93,

(*b*) every distress made under sub-section (5) of section 94, and

(*c*) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the municipal council and shall be included in the costs of recovery to be levied under section 95.

99. (1) Appeals against any notice of demand issued under sub-section (3) of section 93, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

Appeal to magistrates.

But no such appeal shall be heard and determined unless—

(a) the appeal is brought within one month next after service of the notice of demand complained of; and

(b) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council as the case may be, within the time fixed in the notice given under section 70 or 71 of the assessment or alteration thereof, according to which the bill is prepared;

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 93 to the municipal council within fifteen days next after the presentation of such bill; and

(c) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall, at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

Liability land, buildings, etc., for rates.

100. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 74, shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the movable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

101. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

Receipts to be given for all payments.

CHAPTER IX

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

102. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets and, subject to the provisions of sub-section (2) of section 37, to lease or sell any such land theretofore used or acquired by the municipal council for the purpose of such streets, as may not be required for any public street or for any other purposes of this Act.

Power regarding street, etc.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 37 may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

103. (1) When the municipal council considers that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal council may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in any manner and within a time to be specified in such notice.

Powers to require repair of streets.

and to declare such streets public.

(2) After such work has been carried out by such owners, or, as provided in section 185 by the municipal council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the municipal council, to be a public street.

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipal council as provided in section 185, the expenses thereby incurred shall be apportioned by the municipal council, between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupires of any such lands or buildings.

Power to declare any street a public street subject to objections by the owners.

(4) A municipal council may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipal council give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street, lodges or lodge objections thereto at the municipal office, the municipal council may, by notice in writing put up in such street, or such parts, declare the same to be a public street.

Temporary closure of streets.

104. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any of the purposes of this Act:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

New streets.

105. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the municipal council, and shall furnish plans and sections showing the intended level, means or drainage, direction and width of such street, if required by the municipal council to do so and the level, means of drainage, direction and width of every such street shall be fixed or approved by the municipal council.

(2) Before passing orders under sub-section (1), the municipal council may either issue—

(a) a provisional order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

Power of municipal council to pass orders.

(b) a demand for further particulars.

(3) If—

Right to proceed in certain cases.

(a) within one month from the receipt of the notice given under sub-section (1), the municipal council has neither—

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particulars, or if

(b) the municipal council, having issued such demand for, and having received, in accordance with the demand and with the bye-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Act or of any bye-law for the time being in force thereunder.

Penalty.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (1), or, except in accordance with the provisions of sub-section (3), without awaiting, or otherwise than in accordance with, the instructions issued by the municipal council, or in any manner contrary to the provisions of this Act or of any bye-law in force thereunder, shall be punished with fine which may extend two hundred rupees, and the municipal council may cause any street so laid out or made to be altered, and any building erected in such street contrary to its directions to be altered, or removed, and the expense thereby incurred shall be paid to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

The regular line of public street.

106. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof:

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the the municipal council shall notify the same in the *Mysore Gazette* and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) (*a*) Except under the provisions of section 133, no person shall construct or re-construct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 113.

(*b*) Where the municipal council refuses permission to construct or re-construct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 189, shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (*b*) of sub-section (3) for the

value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

107. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 106, or beyond the front of the building on either side thereof, the municipal council may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burnt down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and upon or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government,

then, with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 189, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 139 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 139, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

108. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

109. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

110. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Roofs and external walls of buildings not to be made of inflammable materials.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the municipal council.

Power to require removal of roof and wall, if inflammable.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Penalty.

111. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the municipal council.

Level of buildings.

112. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or errected so as to render such buildings rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Rat-proof building for warehouse for storing grain.

113. (1) Before beginning to construct any building, or to alter externally or add to any existing building or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 107 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 106 to give permission,

Notice of new buildings.

the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing, and shall furnish to it at the same time, if required by a bye-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the bye-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders; or to suspend the work or to require further particulars.

(2) Save as otherwise provided in this Act or the rules and bye-laws thereunder, the municipal council may,

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Act and the rules and bye-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction:

Provided that the direction in sub-clause (*c*)—

(i) shall apply only to buildings on sites not laid out by the municipal council or other competent authority; and

(ii) shall not be in force after six months from the date on which the direction is given.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or of any bye-law for the time being in force thereunder in the following cases, that is to say :—

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work ; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars ;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the bye-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) If any person begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Act or of any bye-law in force thereunder,

(i) the municipal council may, whether any action is taken or not against such person under clause (ii) of this sub-section,

(*a*) direct that the building, alteration or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary;

(ii) such person shall be punishable with fine which may extend to two hundred rupees.

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice, specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any bye-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or bye-law to be amended, or to do anything which by any such provision or bye-law he may be required to do but which has been omitted.

Explanation.—The expression "to erect a building" throughout this chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building,

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted or added to, shall, for the purpose of this chapter, be deemed to be a new building.

114. (1) Notwithstanding anything contained in section 107, the Government may in the public interest and after consulting the municipal council, prohibit by notification published in the *Mysore Gazette*, the erection of any building within a specified area in the municipality except with permission granted by the Government in this behalf:

Power of Government to prohibit the erection of buildings in certain areas without permission.

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1), may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2), shall, on conviction before a magistrate, be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

115. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or

Regulation of huts.

otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement of huts.

116. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are by reason,

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting al

expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same :

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 189.

(3) Powers connected with drainage, water works, etc.

117. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council. Municipal control over drains, etc.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

118. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality. Powers for making drains.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation,

which shall, in case of dispute, be ascertained and determined in the manner provided in section 189, shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

119. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until –

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage situated at distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

120. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such

conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Sewage and rain-water drains to be distinct.

121. Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the municipal council may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the municipal council for the discharge of drainage or into other suitable places.

Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by municipal council.

122. (1) If the owner or occupier of any building or land proves to the satisfaction of the municipal council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain belonging to or occupied by or in the use of some other person, the municipal council, after giving to such other person a reasonable opportunity of stating any objection to such application may, if no objection is raised or if any objection which is raised is in its opinion insufficient, by an order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to it to be adequate and equitable.

Written order of municipal council, authority for execution of necessary work.

(2) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset, and subject to all the provisions of this Act, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain as may be authorised by the said order, or

(*b*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out.

123. In executing any work under section 122, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall,—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

Rights of owner of land through which drain is carried, in regard to subsequent building thereon.

124. If the owner of any land into, through or under which a drain has been carried under section 122, whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the municipal council may, if it sanctions the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building; and may also, by written notice require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the municipal council may deem to be necessary for the maintenance of the drainage connection.

Provision of privies, etc.

125. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, when in the municipality a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by, written notice, call upon the owner of such building or land to

provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

126. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may, by written notice, require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which, in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to close existing private drains.

127. When any building or land within the municipality has a drain communicating with any cesspool or sewer, the municipal council, if it considers that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the municipal council, on providing a drain or drains equally effectual for the drainage of such building or land, and the municipal council may do any work necessary for the purpose.

Power in respect of sewers, etc., unauthorisedly constructed, re-built or un-stopped.

128. The municipal council may, by written notice, require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or re-built or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general acts or bye-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, re-built or unstopped, and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

129. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers of drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may, by written notice, require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may, by written notice, require the person who may have erected or re-built such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

130. (1) The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the

ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the municipal council unless the sewer, drain privy, water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any bye-laws of the municipal council in force at the time, in which case, such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Expense of inspection when to be borne by the municipal council.

131. (1) The municipal council may, if it thinks fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Municipal council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the municipal council shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

Expenses in such cases by whom to be paid.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the municipal council, be deemed to be municipal property, unless the municipal council shall have transferred its interest therein to the owner of such buildings or lands.

132. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes

Power of carrying water mains, etc.

and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

133. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by bye-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of the municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof:

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have

been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation the same shall be ascertained and determined in the manner provided in section 189.

134. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street. Troughs and pipes for rain water.

135. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood. Fixing of brackets, etc., to houses.

136. (1) The municipal council may, from time to time, cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may, from time to time, fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street. Naming streets and numbering houses.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Penalty for defacing buildings, etc.

137. Any person

(*a*) who, without the consent of the owner or oocupier and in the case of municipal property without the permission in writing of the municipal council, affixes any posting, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp-post or the like, or

(*b*) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale, post, lamp-post or the like with chalk or paint or in any other way whatsoever,

shall be punished with fine which may extend to twenty rupees.

Removal and trimming of hedges, trees, etc.

138. The municipal council may, by written notice. require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

139. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers ; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or

repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired, or otherwise secured:

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Proviso if danger is not imminent.

140. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water supply shall, whether it is private property or not,

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

(*a*) keep and maintain any such source of water supply, other than a stream, in good repair; or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water supply from silt, refuse and decaying vegetation; or

(*c*) in such manner as the municipal council prescribes, protect any such source of water supply from pollution by surface drainage; or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall;

(*e*) desist from using and from permitting others to use, for drinking purposes any such source of water supply which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking; or

(*f*) if notwithstanding any such notice under clause (*e*), such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers, is injurious to health or offensive to the neighbourhood.

Remedy on non-compliance with directions issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII:

Provided that in the case of any well or private stream or of any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

141. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket

water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstructions and encroachments upon public streets and open space.

142. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chaper VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is

not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 133 or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

143. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger, or inconvenience in any street shall, before beginning such work—

(*a*) first obtain a license in writing from the municipal council so to do ; and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoardings of fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision of facilities when work is executed in public street.

144. (1) When any work is being executed by the municipal council in any public street it shall, so far as

may reasonably be practicable, make adequate provision for—

(a) the passage or diversion of traffic;

(b) proper access to all premises approached from such street; and

(c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

Fencing and lighting during repairs, etc.

(2) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(3) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

145. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of subsection (1), shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case

may be, on which such contravention continues, after the date of the first conviction.

Dangerous quarrying.

146. If, in the opinion of the municipal council, the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the municipal council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the municipal council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom :

Provided that if such quarry or place is vested in the Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or of any officer of the Government acting as such, the municipal council shall not take such action unless and until the Deputy Commissioner has consented to its so doing :

Provided further that the municipal council shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the municipal council in taking action under this section shall be paid by such owner or other person as aforesaid and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provision as to dogs.

147. (1) The municipal council may, by public notice, require that every dog, while in the streets and not being led by some person, shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has

provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) any unclaimed dog, and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained, in the manner provided by Chapter VIII.

(6) *Powers for the prevention of nuisance.*

148. Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees. **Depositing dust, etc.**

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the municipal council, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

149. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows ony offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

150. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, nigh-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Removal of night-soil.

151. (1) The municipal council may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter.

(2) Whoever,

(*a*) when the municipal council has fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the municipal council or not,

(i) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage receptacle or vessel used for any such purpose as aforesaid through any street or by any route, other than such as shall from time to time be appointed for that purpose by the municipal council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc.

152. (1) Whoever, being the owner or occupier or any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation, it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

(*a*) becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(*b*) coming into use for any insanitary or immoral purpose, or

(*c*) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the municipal council, if it considers such objection cannot under any other provision of this Act, be otherwise removed may, if there is any person known or resident within the municipality who claims to be the owner or such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice to cause such building to be taken down and the materials thereof to be removed ; and in the event of non-compliance with such requirement, the municipal council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing ; and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Buildings or rooms in buildings unfit for human habitation.

153. If, for any reason, it shall appear to the municipal council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the municipal council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, unless such improvements as are specified in the notice are executed within a reasonable time and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice ; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the municipal council invalid or insufficient, the municipal council may, by an order in writing, prohibit the further use of such building or room as a dwelling and may withdraw such prohibition for proper reasons.

Power to enter and inspect, etc., buildings.

154. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal

council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Provision bathing facilities

155. (1) The municipal council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes; and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the municipality.

(2) Copies of all orders passed and notices issued by the municipal council and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

Fouling water.

156. (*a*) Whoever, in disobedience of any order of the municipal council under section 155 or of any bye-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the municipal council, or washes, or causes to be washed therein any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

(*b*) whoever, without permission of the municipal council, steeps in any tank, stream, or ditch within or on the boundary of the municipality, any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

Abatement nuisances from wells, etc.

157. (1) If, in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe, or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(*b*) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe ; or

(ii) grant written permission to retain such work ; but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

158. The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious :

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested, for any damage caused to them by absolute prohibition.

159. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees. Using offensive manure, etc.

160. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees. Tethering cattle, etc.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees. Keeping swine.

161. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees. Feeding animals on filth.

162. Within such limits as the municipal council may direct, no person shall keep more than five pigs or more than ten goats without a license from the municipal council. The municipal council may charge an annual fee not exceeding two rupees for such license and may impose such conditions in respect of such license as it may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this sub-section shall be punishable with fine which may extend to twenty-five rupees. Licensing of goats and pigs.

163. (1) It shall be lawful for the municipal council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam engine be or be not used or employed therein, shall in all cases, be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace. Consumption of smoke.

(2) If any person shall, after such direction, use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or

permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

Licenses to be taken for burning bricks.

164. (1) It shall be lawful for the municipal council to publish by a notification in the *Mysore Gazette* that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of Markets, Sale of Food, etc.*

Licensing markets, slaughter-houses and certain businesses.

165. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), and (iv) to (vi) of clause (*b*) of sub-section (1) of section 47 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or

during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing, and letting of markets and slaughter-houses.

166. (1) The municipal council may from time to time open or close any public market or slaugher-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using any, such market or slaughter-house.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc., beyond municipal limits.

167. It shall be lawful for the municipal council, with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Act and of bye-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

168. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopæia, not being also articles of ordinary domestic consumption,

unless the same is registered in the office of the municipal council within two months after the commencement of this Act or if the shop or place is established after the commencement of this Act then, within two months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he duly be certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality:

Provided that the provisions of this sub-section shall not come into operation in the municipality until after the expiration of a period of six months from the publication of a notification to that effect by the Government in the *Mysore Gazette.*

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription.

Uncertificated person dispensing drugs.

169. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 168 shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 170 fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees:

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the *Mysore Gazette* by the Government.

Unwholesome articles of food and drink.

170. (1) The president, vice-president or any councillor or officer authorised by the municipal council in this behalf—

(*a*) may at all reasonable times, enter into any place for the purpose of inspecting, and may inspect, any animals, birds, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein; and

(*b*) in case any such animals, birds carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 27, to exercise all or any of the powers vested in the municipal council under this sub-chapter, or of the municipal commissioner, if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a magistrate.

If it appears to the magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the

owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

Adulterated articles for food or drink.

(2) If any article intended for food or drink is in any place mentioned in sub-section (1), the president, vice-president, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a magistrate upon sufficient evidence that such article is not what it is represented to be, such magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink and the owner not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

Explanation.—If such article having been exposed or stored in or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be :

Protection to persons acting in good faith.

Provided that when any article of food or drink referred to in this sub-section appears to the magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the magistrate—

(*a*) that such substances has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof; or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink the extraneous substance has unavoidably come intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficent notice that such substance has been so added, or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

(3) It will be open to a muncipal council, subject to the approval of the Government, to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold or exposed for sale that is adulterated with any other substance.

Whoever sells or exposes for sale adulterated ghee in any stall or locality so set apart shall, on conviction before a magistrate, be punished with fine which may extend to one hundred rupees and the magistrate may cause such ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality.

(4) In all prosecutions under this section the magistrate shall refuse to issue a summons for the attendance of any person accused of any offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

Application for summons to be refused, if not applied for within reasonable time.

171. The president, vice-president, municipal commissioner and health officer or any councillor or officer authorised by the municipal council in this behalf, may

False weights and measures and instruments for weighing.

at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use ; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of Dangerous Diseases.*

Power which may at any time be exercised.

172. (1) The municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are :—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf ;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place ;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal

council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease;

(*d*) power to direct or cause the removal, on a certificate signed by the health officer of the municipal council or any duly qualified medical practitioner authorised by the municipal council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neigbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipal council;

(*e*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof;

(*g*) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances, that may at any time be used for conveying any such person shall be immediately disinfected;

(*h*) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort, or

(ii) any person in charge of any person so suffering from so exposing such sufferer ;

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease ;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkhana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf ;

(*k*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

Penalties for disobedience of an order passed in exercise of such powers.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal

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council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council on threatened or actual outbreak of dangerous disease.

173. (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

(2) In such event as aforesaid the Government may, by special notification, declaring that the municipality is threatened or visited with an outbreak of a dangerous disease, confer on the municipal council all or any of the powers specified in the following sub-section, and the municipal council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(*a*) power to order, subject to the condi tions,

(i) that the permission of a magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily therein;

(*b*) power to direct the examination by a medical officer of persons and, if necessary the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and

places as may be prescribed, for a period not exceeding ten days.

(c) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the civil surgeon, or either senior medical officer of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipal council may, in its discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section; but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penal clauses.

(5) If, a declaration under sub-section (2), as aforesaid is for the time being in force, any person—

(a) knowingly disobeys any order which, for the time being, is in force in the municipality and which has been passed by the municipal council in exercise of any power conferred on it by section 172 or under this section, or

(b) obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees

Withdrawal and modification of powers and orders.

174. (1) The Government may at any time—

(a) withdraw any power conferred by or under sections 172 and 173;

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(c) cancel any order passed by the municipal council in exercise of any such power.

(2) Every order passed by the municipal council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality.

175. If in the municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Duties of municipal council in respect of disease among horses, dogs, cattle, sheep or goats.

176. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Proceedings to abate the overcrowding of the interiors of buildings.

(2) Such magistrate may, on the production of a certificate by a medical or health officer stating his opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

Procedure of magistrate.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

177. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein are, or are likely to become, crowded together, or

(*b*) the impracticability of cleansing any such buildings, or blocks of buildings already existing or projected, or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the municipal coucil, all or any of the powers specified in sub-section (2) and the municipal council may, subject to the limitations, restrictions, modifications, conditions or regulations, if any, prescribed in this behalf, exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the Government.

(2) The powers, all or any of which may be conferred on the municipal council under sub-section (1), are as follows :—

(*a*) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipal council likely to give rise to such risk as aforesaid, to require by a

written notice, to be fixed upon some conspicuous part of such building or block and addressed as the municipal council deems fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the municipal council deems necessary to prevent all such risk of disease;

(*b*) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein;

(*c*) power, subject to a right of appeal to an officer who may be empowered by the Government in this behalf and whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space and by general notice published in the manner provided in sub-section (3) of section 183, the erection of any building or of any building exceeding such dimensions as may be specified;

(i) on the site of any building which has in whole or in part in exercise of the power specified in clause (*a*) been pulled down, or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not,

if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either,

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof:

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 189 shall be paid to any person whose rights are affected by such prohibition,

(3) When in pursuance of any notice under sub-section (2), any building has been pulled down, the municipal council shall, unless it has been erected contrary to any provision of this Act or of any bye-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 189.

Closing places for disposal of the dead.

178. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may, by notification, direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the *Mysore Gazette*, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades.*

Regulation of certain trades.

179. (1) No place within the limits of the municipality shall be used for any of the purposes mentioned in Schedule XIII without a license obtained from the municipal council and except in accordance with the conditions specified therein.

(2) The municipal commissioner shall, if so required by the municipal council, publish a notification in the *Mysore Gazette* and in two or more local newspapers that any place at a distance within two miles of the limits of the municipality shall not be used for any one or more of the purposes mentioned in Schedule XIII without a licence obtained from the municipal commissioner and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect—

(*a*) unless the sanction of the Government has been obtained therefor; and

(*b*) until the expiry of thirty days from the date of its publication in the *Mysore Gazette*.

(3) The owner or occupier of every place for the use of which for any purpose a license is required under sub-section (1) or sub-section (2) shall apply to the municipal commissioner for such license, not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the *Mysore Gazette*, as the case may be.

(4) Every application for a license for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and the measurements of such place.

(5) The municipal commissioner may grant such licenses, subject to such restrictions and regulations as may be specified by him therein; or he may refuse to grant such license.

(6) Every such license shall expire at the end of the year for which it is granted, or at such earlier date as the municipal commissioner may, for special reason, specify in the license.

(7) Applications for renewal of such licenses shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a license is granted under this section for the use of any place outside the limits of the municipality, the municipal council shall pay to the local authority within the limits of which such place is situated, such proportion of the fee received by the municipal council for the grant or renewal of such license as the Government may, by general or special order, determine.

Penalty unlicensed places.

(9) Whoever uses without a license or contrary to the conditions of a license or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in Schedule XIII, shall be punished with fine which may extend to two hundred rupees and with further fine which may extend to ten rupees for every

day on which such use is continued after the date of first conviction.

Factories in crowded localities.

180. (1) No person shall establish in any premises, any factory as defined in the Factories Act, 1948, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises any factory as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

181. (1) No person shall use or employ in any factory or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

Brothels.

182. Any magistrate of the first class on receiving information that a house within the limits of the municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or

occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for everyday thereafter that the house shall be so used :

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

183. (1) The service of every notice and the presentation of every bill under this Act, on any person or to any person to whom it is by name addressed shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf—

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family ; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the

service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land, to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in bye-laws in this behalf prescribes.

Defective form not to invalidate notice or bill.

(4) No notice or bill shall be invalid for defect of form.

Execution of act required to be done by any notice.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice, it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 190.

Punishment for disobedience to orders and notices not punishable under any other section.

184. Whoever disobeys or fails to comply, with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with conditions subject to which any permission was given to him by the municipal

council under any power so conferred shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

Municipal council in default of owner or occupier may execute work and recover expense.

185. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as the municipal council may deem fit :

Provided that—

Agreement for construction of drainage and water connections.

(*a*) Whenever any drainage scheme or water works scheme has been commenced by any municipal council, it shall be lawful for the municipal council, without prejudice to its powers under sub-section (1) or section 119 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipal council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3) ;

Provided also that—

Improvement expenses.

(*b*) when an order has been passed under sub-section (1) of section 103, sub-section (1) of section 105, sub-section (2) or (7) of section 113 or under sections 117, 119, 125 or 126, or when permission has been given under section 120 or when an agreement has been made under proviso (*a*) of this sub-section, the municipal council may without prejudice to any other powers under this Act, if it thinks fit, declare any expenses incurred as aforesaid by the municipal council to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipal council decides, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expense charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal

council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

186. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any occupier opposes the execution of the Act.

187. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Act.

188. It shall be lawful for the president, vice-president, Municipal Commissioner, or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land:

Provided that except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier:

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Arbitration in case of compensation, etc.

189. (1) If an agreement is not arrived at with respect to any compensation or damages, which are by this Act directed to be paid, the amount and if necessary, the apportionment of the same shall be ascertained and determined by a panchayet of five persons of whom two shall be appointed by the municipal council, two by the party to or from whom compensation or damages may be payable or recoverable, and one, who shall be presiding member shall be selected by the members already appointed as above.

(2) If either party, or both parties, fail to appoint members or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayet shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the panchayet not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the district court of such members as may be necessary to constitute the panchayet, the matter shall, on application by either party, be determined by the district court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the court:

Provided that—

(a) no application to the Deputy Commissioner for a reference shall be necessary, and

(b) the court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the panchayet has given a decision either party, if dissatisfied with the decision—

(a) on the ground of corruption or misconduct of the panchayet, or

(b) on the ground of either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the panchayet, or

(c) on the ground of the award having been made after the issue of an order of the court superseding the arbitration and proceeding with the suit or after the expiration of the period allowed by the court, or being otherwise invalid,

may, within a month of the date thereof, apply to the district court, and the matter shall be determined by the district court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building, the municipal council may, after the award has been made by the panchayet or the district court, as the case may be, take possession of the land or building, after paying the amount or the compensation determined by the panchayet or the district court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipal council shall deposit the amount of the compensation in the district court.

Costs or expenses how determined and recovered.

190. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary, the apportionment of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and

determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipal council may prosecute.

191. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any rule or bye-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund:

Provided that no prosecution for an offence under this Act or rule or bye-law framed thereunder, shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Act or under any rules or bye-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Power to compound offences.

192. The municipal council may—

(*a*) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Act or any bye-law thereunder and on such compromise, no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Act or under any bye-law made thereunder;

(*c*) compound any offence against this Act or against any bye-law made thereunder which may, by rules made by the Government, be declared compoundable:

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

193. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum. Limitation for distraint, etc.

194. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same to be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction. Distress lawful though defective in form.

195. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand, the same shall be levied by distress, and such magistrate shall issue his warrant accordingly. Damage to municipal property how made good.

196. In lieu of any process of recovery allowed by or under this Act, or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for the municipal council to sue in any court of competent jurisdiction the person liable to pay the same. Alternative procedure by suit.

197. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of Power of compromise.

any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

198. For the purpose of the recovery of any amount due on account of rent from any person to the municipal council in respect of any land vested in it, the municipal council shall be deemed to be a superior holder, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

199. (1) No suit shall be instituted against the municipal council, president, or Municipal Commissioner, or any councillor, officer, servant, or any person acting under the direction of such municipal council, president, Municipal Commissioner, councillor, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of the municipal council, delivered or left at its office, and, in case of the president, the municipal commissioner or a councillor, officer, or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit, shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Powers of police officers.

200. (1) Any police officer may arrest any person committing in his view any offence against any of the provisions of this Act, or of any rule or bye-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained :

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Act, or of any rule, or bye-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of expenditure not budgetted for.

201. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely,—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Act, or the rules made thereunder to make ;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(c) sums which the municipal council is required or empowered by this Act to pay by way of compensation ;

(d) every sum payable—

(i) under section 217 by order of the Deputy Commissioner and under sections 218, 219, 220, 222 and 225 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim ;

(e) expenses incurred in the exercise of powers conferred by sections 55 (a), 172, 173 and 175;

(f) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or local authorities.

Presentation of accounts.

202. (1) The municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of April last preceding and at a general meeting which shall be held between the first day of November and the first day of January a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of April next following.

Budget estimates.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the municipal council shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the municipal council shall, among other things—

(a) make adequate and suitable provisions for such service as may be required for the fulfilment of

the several duties imposed on the municipal council by this Act or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payments of all sums payable to the Government under sections 218 and 219 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council, or on behalf of the municipal council and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

203. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 202; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 202.

Maintenance of accounts and restrictions on expenditure.

204. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in April or after audit of the past official year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

205. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor such charges as may be prescribed by the Government.

Powers of Government auditor.

206. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit ;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him ; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

207. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts ;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts ; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal

council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor.

Municipal council to remedy defects.

208. (1) The Government auditor shall disallow every item contrary to law and report the same to the Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment.

Disallowance by Government auditor and order by Commissioner.

(2) The Commissioner may, on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

209. Any person aggrieved by the order of the Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application, the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit.

Appeal from order of Commissioner.

210. Every sum certified to be due from any person by the Commissioner under this Act, shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable by the Deputy

Recovery of amounts disallowed.

Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

211. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Government or such officer may, from time to time, direct.

Publication of accounts.

212. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the municipal council may prescribe in this behalf.

Annual administration report.

213. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Government, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

(2) The municipal commissioner shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Government, may direct.

CHAPTER XII.

CONTROL.

Powers of inspection and supervision.

214. The Commissioner or any officer of the Government authorised by the Government by a general or special order, shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by the municipal council or any institution under its control or management, or any work in progress under it or under its direction ;

(*b*) to call for any extract from the proceedings of the municipal council or of any committee, or for any book or document in the possession of or

under the control of the municipal council, and any return, statement, account, or report which he may think fit to require the said council to furnish;

(c) to require the municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by the said council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

Power to inspect the office of municipal council.

215. (1) The Government or any officer authorised by the Government in this behalf, shall have power to inspect the office of the municipal council and call for the records of the said council.

(2) The officer authorised under sub-section (1), shall submit the records for the orders of Government, if he is satisfied that the order or proceeding of the municipal council or its executive is contrary to law or orders for the time being in force.

Commissioner's power of suspending execution of orders, etc., of municipal councils.

216. (1) If, in the opinion of the Commissioner, the execution of any order or resolution of the municipal council, or the doing of anything which is about to be done or is being done by or on behalf of the municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Commissioner's order to be reported to Government who may confirm or modify it.

(2) When the Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Government to rescind the order, or to direct that it continues in force with or without modification, permanently or for such period as it thinks fit:

Provided that no order of the Commissioner passed under this section shall be confirmed, revised or modified

by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extra-ordinary powers of Commissioner in case of emergency.

217. (1) In cases of emergency, the Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 216 shall apply, so far as may be, to any order made under this section.

Agency for execution of public works.

218. (1) The Government, after consulting the municipal council, may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for the municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3), is not paid within a reasonable time, the Government may make an order directing the person

having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by the Government.

219. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government at any time after consulting the municipal council—

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government, is or are necessary or desirable for the health or safety of the inhabitants, whether within the municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

Government inquiry into municipal matters.

220. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of the Area or any matters with respect to which its sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters:—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(c) compelling the production of documents,

(d) examining witnesses on oath,

(e) granting adjournments,

(f) reception of evidence taken on affidavit, and

(g) issuing commissions for the examinations of witnesses,

and may summon and examine *suo moto* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the State of Mysore.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Power of Government to prevent extravagance in the employment of establishment.

221. (1) If, in the opinion of the Government, the number of persons who are employed by the municipal council as officers or servants or whom the municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

Government may require any municipal council to appoint a health officer, or an engineer.

(2) It shall be lawful for the Government—

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer or of an engineer or both to be made by the municipal council;

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office of any person selected therefor or appointed

thereto by the municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(iii) to require that any person appointed to be the Municipal Commissioner shall be invested by any such municipal council with all or any of the powers which can, under this Act or under any rules in force at the time, be lawfully delegated to him, in addition to such powers as are conferred on him by section 239 or by chapter XIV, as the case may be;

(3) Any requisition issued to the municipal council under clause (i) or (iii) of sub-section (2), shall be complied with within such time as the Government may, in each case, prescribe in that behalf.

Power of Government to provide for performance of duties, in default of municipal council.

222. (1) When the Government is informed, on complaint made or otherwise, that the municipal council has made default in performing any duty imposed on it by or under this Act, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry, that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

223. If the municipal council makes default in the payment of any amount due to the Government, it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be found to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default or abuse of powers.

224. (1) If, after such enquiry as the Government may consider necessary, the Government is of opinion that the municipal council is not competent to peform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the *Mysore Gazette*, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and may dissolve the municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(*a*) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall, by the election or appointment of councillors, be reconstituted—

(i) in the case of dissolution, on the date specified the order, or

(ii) in the case of supersession on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

225. (1) If any dispute for the decision of which this Act does not otherwise provide exists between the municipal council and one or more other local authorities in regard to any matters arising under the provision of this or any other Act and the dispute is not amicably settled, the matter shall be referred to the Government who may take cognizance of the dispute and decide it; and the decision of the Government shall be final.

Disputes between a city municipal council and one or more other local authorities.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

226. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

Power of Government to make rules and orders.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected;

(ii) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received;

(iii) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(iv) for prescribing the date, subject to the provisions of sub-section (1) of section 8 for the publication of the municipal electoral roll;

(v) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited;

(c) for the regulation of all or any of the matters specified in clauses (b), (c), (e), (f) and (g) of section 45;

(d) the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or while having served under the municipal council, has been or is transferred from or to the service of the Government or is partly employed by the Government and partly by the municipal council;

(e) for regulating the period of service of all officers and servants and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants;

(f) prescribing the limitations, restrictions, modifications, conditions or regulations subject to which the municipal council shall exercise the powers conferred under section 177, shall be exercised and prescribing a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach of an order made or conditions imposed by the municipal council in exercise of the powers conferred upon it under the said section or in pursuance of the rules prescribed in that behalf;

(g) as to the conditions under which ratepayers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom;

(h) for the proper management and maintenance of any work constructed under section 219 and for the regulation of all matters and things connected therewith;

(i) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority

by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned;

(*j*) as to the transfer to the municipal council the management of any institution not otherwise provided for by this Act;

(*k*) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports;

(*l*) for the regulation of all matters connected with the grant of permission under section 114;

(*m*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) The powers of Government to make rules under this Act, shall be subject to the condition of previous publication. All rules made by the Government under this Act shall be published in the *Mysore Gazette*, both in English and Kannada and shall thereupon have effect as if enacted in this Act.

Power of Government to cancel or modify bye-laws and rules of municipal council.

227. (1) The Government may, at any time, by notification in the *Mysore Gazette*, repeal wholly or in part or modify any rule or bye-law made by the municipal council:

Provided that before taking any action under this sub-section, the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or bye-law shall take effect from the date of publication of the notification in the *Mysore Gazette*, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

Powers of Government and of the Commissioner ov subordin

228. In all matters connected with this Act, the Government and the Commissioner shall, respectively, have and exercise the same authority and control over

the Commissioner and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

229. When the Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Restriction on the powers of the Commissioner.

230. The Commissioner shall not exercise the powers conferred on him under sections 214, 216 and 217 except under the special orders of the Government.

Powers of Government to transfer municipal employees.

231. (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of the municipality to the service of any other municipality or of any district board constituted under the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as it may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

Delegation of powers.

232. The Government may delegate all or any of its powers under this Act to any officer subordinate to it.

CHAPTER XIV.

MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

Appointment of Municipal Commissioner.

233. The Municipal Commissioner shall be appointed by the Government and shall not be a member of the municipal council.

Removal from office.

234. (1) A Municipal Commissioner who is not a salaried servant of the Government shall hold office for a period of three years, in the first instance, and thereafter for such further period not exceeding three years at a time as the Government may in each case determine.

A Municipal Commissioner who is a salaried servant of the Government shall hold office for such period as the Government may, from time to time, fix in each case.

(2) A Municipal Commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(3) The Municipal Commissioner shall be removable from office by the Government, if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.

Salary of Municipal Commissioner.

235. (1) The Municipal Commissioner shall receive such monthly salary payable wholly by the municipal council or partly by the municipal council and partly by the Government, as the Government may from time to time, determine with due regard to the resources of the municipality.

Prohibition of engagement in other business.

(2) The Municipal Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever :

Provided that the Government may assign to him any other work of local importance or interest, if in its opinion, he can perform such additional work without prejudice to his duties as Municipal Commissioner.

Leave of absence.

236. (1) The Government may, from time to time, in consultation with the municipal council, grant leave of absence for such period as it thinks fit to a Municipal Commissioner.

Leave allowance.

(2) The allowance to be paid to the Municipal Commissioner, while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Government :

Provided that, if the Municipal Commissioner is a salaried servant of the Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Government of his class.

Appointment of substitute.

(3) During any absence on leave, or other temporary vacancy in the office of a Municipal Commissioner, the Government may appoint a fit person to act as Municipal Commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Act or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

Contribution from municipal council towards pensions and leave allowances of Municipal Commissioners.

237. (1) When a salaried servant of the Government is appointed to be the Municipal Commissioner, the municipal council shall, unless specially exempted wholly or in part from liability by the Government, contribute to his pension and leave allowances to the extent required by the rules prescribed under sub-section (2) of section 228.

(2) When a person other than a salaried servant of the Government is appointed to be Municipal Commissioner, the municipal council shall pay from the municipal fund the whole of his leave allowances fixed, as hereinbefore provided by the Government, and may, with the sanction of the Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

Power of municipal council to require returns, reports or production of documents.

238. (1) The municipal council may require the Municipal Commissioner to furnish it with—

(*a*) any return, statement, estimate, statistics, or other information regarding any matter appertaining to the administration of this Act or to the municipal government of the municipality;

(*b*) a report on any such matter; and

(*c*) a copy of any document in his charge:

Provided that in emergent cases which do not admit of delay till a meeting of the municipal council is called, the president may call for information, return, statistics, estimate, etc., referred to above.

(2) The Municipal Commissioner shall comply with every such requisition without unreasonable delay.

Powers of Municipal Commissioners and limitations thereon.

239. The Municipal Commissioner shall exercise the powers hereinafter specified, and such other executive

powers as may be delegated to him by the municipal council under the provisions of this Act—

(1) he shall, subject to the provisions of this Act and save where it is otherwise expressly provided in this Act, perform and exercise the duties and powers of the president under clauses (*b*), (*d*), (*e*) and (*g*) of sub-section (1) of section 24;

(2) He shall have power, subject to the provisions of this Act and of the bye-laws for the time being in force thereunder, to grant, give, and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Act, other than licenses for markets or slaughter-houses;

(3) He may, subject to the provisions aforesaid, at his discretion suspend withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license.

(4) He shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid;

(5) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely;—

section 71

section 79, except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees.

section 81,	section 116,
section 89,	section 118,
section 91,	section 119,
section 103,	section 122,
section 105,	section 124,
section 107,	section 125,
section 108,	section 126,

section 110,
section 113,
section 127,
section 128,
section 129, sub-section (2),
section 131, sub-section (1),
section 133,
section 136,
section 157,
section 172,
section 173,
section 175,
section 176,
section 179,
section 185,
section 186,
section 188,
section 190,
section 191, and
section 192.

Provided as follows :—

(*a*) The powers conferred on the municipal council by or under the provisions contained in section 81, section 103, section 105, section 108, sub-section (1) of section 127, section 133, sub-section (1) of section 136, and, in the case of a well, section 157, shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council ;

(*b*) The powers conferred on the municipal council by or under any of the provisions of this Act (i) to make rules or bye-laws, and (ii) to authorise the president or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the Municipal Commissioner ;

(*c*) Property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal council shall not be deemed to vest in or belong to or otherwise to be held by the Municipal Commissioner ;

(*d*) The power conferred by section 191 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the Municipal Commissioner except with the previous approval of the municipal council :—

section 42, sub-section (4) of section 105, section 163 and clause (*f*) of sub-section (2) of section 226.

240. When a municipal council empowered by any of the provisions of this Act or by any bye-laws made hereunder to authorise an officer to exercise any power whatever or to do anything, has so authorised any officer, it shall be deemed so to have authorised the Municipal Commissioner notwithstanding that it has not expressly so authorised him.

Municipal Commissioner deemed to be authorised in certain matters although not expressly so authorised.

241. Whoever disobeys or fails to comply with a lawful direction given by the Municipal Commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the municipal council in the same matter.

Punishment for person disobeying lawful direction given by Municipal Commissioner.

242. (1) A Municipal Commissioner shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without the sanction of the municipal council—

Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.

(*a*) to appoint, subject to the rules for the time being in force, a fit person to any post under the municipal council, the monthly salary for which does not exceed sixty rupees, other than to the post of health officer, engineer, chief accountant, manager or auditor ;

(*b*) to grant, subject to the rules for the time being in force, leave of absence to the holder of any post to which the Municipal Commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence ;

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the Municipal Commissioner has power to appoint.

(2) When a Municipal Commissioner has been appointed under the provisions of this Act, all other officers and servants employed by the municipal council shall be subordinate to him.

243 No appeal shall lie to the municipal council in respect of any order passed or anything done by a Municipal Commissioner in the exercise of the powers conferred upon him by or under the provisions of this Act except

Order not subject to appeal except in certain cases.

in the case of an order passed or anything done by him under any of the following provisions, namely,—

(i) Sub-section (4) of section 105, (ii) sub-sections (1) and (2) of section 107, (iii) sub-clause (*b*) of clause (1) of sub-section (6) of section 113, (iv) sub-section (1) of section 116, (v) sub-section (1) of section 118, (vi) sub-section (1) of section 122, (vii) sub-section (2) of section 152, (viii) section 153, (ix) section 179, (x) section 180, (xi) clause (*b*) of sub-section (1) of section 185, (xii) section 190, (xiii) clause (*c*) of sub-section (1) of section 242 in respect of an order of dismissal.

Delegation of powers of Municipal Commissioner.

244. (1) With the sanction of the municipal council, the Municipal Commissioner may, by general or special order in writing, delegate to any municipal officer or servant any of the Municipal Commissioner's powers, duties or functions under this Act or under any rule or bye-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely, 179, 191 and 242.

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1), shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to the control of and revision by the Municipal Commissioner.

Power to execute contracts on behalf of municipal council.

245. In any municipality for which a Municipal Commissioner has been appointed, notwithstanding anything contained in section 37, the following provisions with respect to the making of contracts under or for any purposes of this Act shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the municipal council, by the Municipal Commissioner ;

(*b*) no such contract for any purpose which the Municipal Commissioner is not empowered by this Act to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the Municipal Commissioner except

with the approval or sanction of the municipal council;

(*d*) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the Municipal Commissioner except with the approval or sanction of the municipal council;

(*e*) every contract made by the Municipal Commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the municipal council;

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

Mode of executing contracts.

246. (1) Notwithstanding anything contained in sub-sections (7) and (8) of section 37, every contract entered into by a Municipal Commissioner on behalf of a municipal council shall be entered into in such manner and form as would bind such Municipal Commissioner if such contract were on his own behalf, and may, in like manner and form, be varied or discharged:

Provided that—

(*a*) where any such contract, if entered into by a Municipal Commissioner, would require to be under seal, the same shall be sealed with the common seal of the municipal council;

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the municipal council and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipal council shall not be affixed to any contract or other instrument, except in the presence of two members of the managing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their

presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the municipal council.

Tenders to be invited for contracts involving expenditure exceeding five hundred rupees.

247. (1) Except as is otherwise provided in sub-section (3), a Municipal Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract.

(2) A Municipal Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*d*) of section 245, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The municipal council may, subject to the provisions of section 37, authorise the Municipal Commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

248. A Municipal Commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under the Act.

CHAPTER XIV.

TRANSITIONAL AND TRANSITORY PROVISIONS.

Repeal and savings.

249. As from the appointed day, the provisions of sections 34, 35, 36 and 36A and the references to bye-laws in sections 39 and 41 of the Mysore Mines Act, 1906, shall stand repealed :

Provided that—

(*a*) the repeal shall not affect the validity of anything done or suffered thereunder, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder ;

(*b*) subject to the preceding proviso, appointments, rules, orders and bye-laws made, limits defined, notifications and notices issued, taxes and rates imposed, contracts entered into and suits and other proceedings instituted and anything done and any action taken under the said provisions shall be deemed to have been respectively made, defined, issued, imposed, entered into, instituted, done or taken under the corresponding provision of this Act, and shall continue to be in force accordingly ; and

(*c*) all references made in any enactment in force in the State or in any document to any of the repealed provisions shall, so far as may be, construed to refer to this Act or to the corresponding portion thereof.

Temporary provision as to constitution of municipal council.

250. Notwithstanding anything contained in this Act—

(*a*) until the constitution of the municipal council in accordance with the provisions of this Act, the municipal council of the Area shall consist of the members of the Kolar Gold Field Sanitary Board holding office immediately before the appointed day and shall exercise the powers and perform the duties conferred by the provisions of this Act on the municipal council ;

(*b*) casual vacancies in the seats of the councillors of the municipal council functioning under clause (*a*) shall be filled and all matters in connection with the filling of such vacancies shall be regulated in accordance with the rules governing the filling of such vacancies and regulating such matters in force immediately before the appointed day subject to such modifications as the Government may by notification make in such rules ;

(*c*) the term of office of the councillors referred to in clause (*a*) shall, subject to the provisions of section 9, extend to or expire on (as the case may be) such date as the Government may, by notification, appoint and the Government shall cause elections of councillors to be held so that the newly elected and nominated councillors may come into office on the date fixed for the retirement of the old councillors.

Power to remove difficulties.

251. The Government may, by order notified in the *Mysore Gazette*, make such provision as appear to it to be necessary or expedient—

(*a*) for bringing the provisions of this Act into effective operation ; and

(*b*) for removing difficulties arising in connection with giving effect to the provisions of this Act until the constitution of the municipal council in accordance with the provisions of this Act.

———

SCHEDULE I. 401

[*Section 60 clauses (i), (v) to (ix) and (xii).*]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL-TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP-TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(*i*) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(*ii*) Buildings or lands or both not falling under (*i*)	Six per centum on the annual letting value.
B. Tax on dogs ...	One rupee per head.
C. Special Sanitary Cess ...	Rates that may be notified by the Government from time to time.
D. General Sanitary Cess ...	do do
E. Water rate or water rates...	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax ...	One-third of the rate leviable under item (A).

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SCHEDULE II.

[*Section 60 clause (iv).*]

MAXIMUM RATES OF OCTROI.

Taxes	Maximum Rate
A. Octroi.—	Rs. a. p.
Class I.—Articles of food or drink for men or animals.—	
Cocoanuts, fresh ...	0 0 1 each.
Cocoanuts, dry ...	0 8 0 per maund of 960 tolas.
Betel-leaves	0 0 2 per bundle of 100 leaves.
Sugar	1 0 0 per cent *ad valorem*.
Jaggery	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do
Butter	0 6 0 do
Oats	1 0 0 per cent *ad valorem*.
Bran	1 0 0 do
Chaff	1 0 0 do
Class II.—Animals used for slaughter.—	
Sheep and goats ...	0 2 0 per head.
Class III.—Oils and oil seeds	
Kerosene oil	0 2 0 per tin.
Other oils	0 2 0 per maund of 960 tolas weight.
Oil seeds	0 4 0 per candy of 160 seers.
Class IV.—Articles used in the construction of buildings.—	
1. Timber	Rates to be fixed by the Government from time to time.
2. Chunam or lime ...	0 4 0 per cart-load.
3. Roofing tiles (Mangalore pattern) ...	1 9 0 per cent *ad valorem*
Class V.—Tobacco ...	4 0 0 per maund of 960 tolas.
Class VI.—Piece-goods and other textile fabrics and manufactured articles of clothing and dress.	0 0 3 per rupee *ad valorem*.
Class VII.—Metals ...	1 9 0 per cent *ad valorem*.
Class VIII.—Other articles which are not specified above and which may be approved by the Government by an order in this behalf ...	2 0 0 do

SCHEDULE III. 403

[*See Section 60 clause (ii).*]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks.	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks ...	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more ...	40	0	0
For every motor car weighing not less than 15 cwts. ...	30	6	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, bicycle or tricycle, and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs ...	4	0	0
For every boat	4	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands	4	0	0
For every horse of or under eleven hands and for every mule.	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

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SCHEDULE IV.

[*See Section 60 clause (iii).*]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the Motor Vehicles Rules or a motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

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SCHEDULE V.

[*See Section 60 clause* (*x*).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

Class, I.

	Yearly *Rs.*
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay or salary amounts to two thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to two thousand rupees a month or upwards :—	
(i) abkari renters, wholesale and retail traders and manufacturers, of every kind, contractors, auctioneers and commission agents ;	
(ii) bankers, money-lenders, money-changers and pawn brokers ;	
(iii) editors and proprietors of newspapers ;	
(iv) brokers and dealers in securities, shares or bills of exchange ;	
(v) practising barristers, advocates, solicitors, attorneys, pleaders, and law agents ;	
(vi) practising medical practitioners of all kinds including hakims and vaidyas ;	100
(vii) dentists and veterinary surgeons ;	
(viii) architects and civil engineers ;	
(ix) owners and farmers of markets and toll-farmers ;	
(x) keepers of hotels, lodging houses or boarding houses ;	
(xi) builders and surveyors ;	
(xii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ;	
(xiii) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, cinemas, musicians and dancers ;	
(xiv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages ;	
(xv) artizans,	

Class II.

	Rs.
Every person described in Class I whose pay or salary or amounts, or whose income is estimated to amount to one thousand five hundred rupees a month or upwards	75

Class III.

Every person described in Class I whose pay or salary amounts, or whose income is estimated to amount to one thousand rupees a month or upwards ...	50

Class IV.

Every person described in Class I whose pay or salary amounts, or whose income is estimated to amount to five hundred rupees a month or upwards ...	25

Class V.

Every person described in Class I whose pay or salary amounts, or whose income is estimated to amount to three hundred rupees a month or upwards ...	12

Class VI.

Every person described in Class I whose pay or salary amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ...	8

Class VII.

Every person described in Class I whose pay or salary amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ...	4

Class VIII.

Every person described in Class I whose pay or salary amounts, or whose income is estimated to amount to fifty rupees a month or upwards	2

Class IX.

Every person described in Class I whose pay or salary amounts, or whose income is estimated to amount to thirty rupees a month or upwards	1

NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below Class IV.

PROVISO 2.—No wholesale trader, Banker, barrister, advocate, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below Class V.

PROVISO 3.—No abkari renter (other than a mere liquor shop-keeper), editor or proprietor of a newspaper, broker or other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidya), dentist or veterinary surgeon shall be placed in any class below Class VI.

PROVISO 4.—No boat-owner, auctioneer, money-lender, owner or farmer of a market, toll-farmer, keeper of a hotel, lodging-house or boarding-house and no builder, surveyor or owner of a ware-house or press (other than a cotton press or oil press) shall be placed in any class below Class VII.

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SCHEDULE VI.

[*See section* 60 *clause* (*xi*).]

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. (For each shop per year)	50	40	30	20	10	5
2. Other places where business or profession is carried on for purposes of profit. (For each place per year) ...	50	40	30	20	10	5

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SCHEDULE VII.

[*See clause* (*b*) *of section* 61.]

Notice is hereby given to the inhabitants of the municipality of Kolar Gold Fields Area that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the.....which is published at page.....of the sanctioned rules].

To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of section 61 are to be appended here.]

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SCHEDULE VIII.

[*See section* 76.]

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the president of the.....municipal council.

I, A. B., hereby give notice, as required by section 75 of the Kolar Gold Fields Municipal Act, 1951, of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Demensions of land	Boundaries		

(Sd.) A. B.

SCHEDULE IX.

[*See section* 76.]

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the president of the .....municipal council.

I, A. B., hereby give notice, as required by section 75 of the Kolar Gold Fields Municipal Act, 1951, of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers.	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

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SCHEDULE X.

[*See sub-section* (3) *of section* 93.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at.....

Take notice that the municipal council of Kolar Gold Fields Area demand from..... the sum of ....due from..... .....on account of.....(here describe the property or other subject in respect of which the tax is leviable) leviable under rule No.....for the period of.....commencing on the day of.....19.....and ending on the..... day of .....19....., and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at.....or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19.....

(Signed)

By order of the municipal council of

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SCHEDULE XI.

[*See sub-section* (1) *of section* 94.]

Form of Warrant.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of.....has not paid, and has not shown satisfactory cause for the non-payment, of the sum of..... ....due for the tax*.....mentioned in the margin for the period commencing on the day of 19... .., and ending with the.....day of ..... 19.....and leviable under rule No.....

* Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain, subject to the provisions of section 94 of the Kolar Gold Fields Municipal Act, 1951, the goods and chattels of the said A, B, to the amount of....., being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars, of the goods distrained by you hereunder.

Dated this.....day of.....19.....

(Signed.)

President (or as the case may be), see section 94 (2).

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SCHEDULE XII.

[*See clause (c) of sub-section (5) of section 94 and sub-section (I) of section 90.*]

FORM OF INVENTORY AND NOTICE.

To

A, B, residing at.....

* Here describe the tax.

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of.....due for the tax*..... mentioned in the margin for the period commencing with the day of.....19..., and ending with the day of..... 19....., together with Rs.....due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at.....the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this.....day of.....19.....

Signature of Officer executing the warrant. / collecting octroi. / collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)

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SCHEDULE XIII.

[*See section 179.*]

PURPOSES FOR WHICH PREMISES MAY NOT UNDER SECTION 179 BE USED WITHOUT A LICENSE.

Aerated waters.—Manufacturing.

Ammunition.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Article made of flour.—Baking, preparing, keeping or storing for human consumption (for other than domestic use.)

Ashes.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Biscuits.—Baking, preparing, keeping or storing for human consumption (for other than domestic use.)

Blood.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bread.—Baking, preparing, keeping, or storing for human consumption (for other than domestic use).

Bricks.—Manufacturing.

Camphor.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets.—Manufacturing.

Catgut.—Storing, packing, pressing, cleansing, preparing or manufacturing any process whatever.

Cement.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal.—Dumping, shifting, selling or storing.

Chemical preparations.—Storing, packing, pressing cleansing, preparing or manufacturing by any process whatever.

Chillies.—Grinding by machinery.

Chlorate mixture.—Storing, packing, pressing and cleansing, preparing or manufacturing by any process whatever.

Cinders.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or shifting.

Clothes.—Dyeing.

Coal.—Dumping, shifting, selling or storing.

Coconut fibre.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever.

Combustible material.—Storing.

Combustibles.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Confectionery.—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton, Cotton refuse.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes.—Packing, pressing, cleansing, preparing or manufacturing any process whatever.

Explosive.—Storing.

Fat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood.—Selling or storing.

Fireworks.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour.—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel.—Using for any industrial purpose.

Fulminate of mercury.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gas.—Storing, packing, pressing, cleansing, preparing or manu facturing by any process whatever.

Gold.—Refining.

Gram.—Husking by machinery.

Gun-Cotton.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gun-powder.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay.—Selling or storing.

Hemp.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice.—Manufacturing.

Jute.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead.—Melting.

Leather.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells.—Storing, packing, pressing, cleansing, preparing or manufacturing any process whatever.

Manure.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Machinery.—Using for any industrial purpose.

Matches.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Metals.—Beating, breaking, hammering, casting, etc.

Nitro compounds.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro Glycerine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro mixture.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Paddy.—Boiling or husking by machinery.

Petroleum products.—Storing, packing, pressing, cleansing, preparing, or manufacturing by any process whatever in quantities not exceeding six gallons, provided that no license shall be required for storing petroleum in accordance with the provisions of the Mysore Petroleum Act, 1942, or the rules issued or the notifications published under that Act.

Pitch.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery.—Manufacturing by any process whatever.

Resin (including resin).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Saltpetre.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seegekai.—Powdering by machinery.

Shellac.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap.—Manufacturing by any process whatever.

Spirits.—Manufacturing by any process whatever.

Sulphur.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tallow.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Tar.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials.—Selling or storing.

Tiles.—Manufacturing.

Timber.—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies).—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Turpentine.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool.—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever dyeing or drying.

Yarn.—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or for boiling paddy when such storage or boiling is for domestic use and limited to such quantities as may from time to time be fixed by the municipal council.

Gilding or electro-plating.

Keeping a shaving or hair-dressing saloon.

Keeping together pigs or twenty or more sheep or goats or ten or more heads of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

In general, any purpose or the doing in the course of any industrial process anything which, in the opinion of the municipal council, is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance.

Statement of Objects and Reasons.

In pursuance of a promise made at the Dasara Session of the Representative Assembly in 1948, Government constituted a Committee to examine the constitution and administration of the Kolar Gold Fields and Hindustan Aircraft Sanitary Boards. The recommendations of the Committee cover subjects relating to the jurisdiction and composition of these local bodies and increasing their financial resources. The Committee

recommended that the Kolar Gold Fields Sanitary Board should be reconstituted with an elected majority, with proper safeguards to represent various interests by nomination. This Bill has accordingly been brought forward.

According to the Bill, the Municipal Council will consist of thirty Councillors of whom twenty are elected and ten nominated. The Deputy Commissioner, Kolar District, will be the *ex-officio* President of the Board and there will be an elected Vice-President. The elections will be held on the basis of Adult Franchise from single member constituencies. Provision is also made for the reservation of seats for scheduled castes during the first ten years. The other provisions in the Bill mainly follow those of the City Municipalities Act, 1933.

R. CHENNIGARAMIAH.

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NOTIFICATION. 476

No. 4189—L.A. Bangalore, dated 1st October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

THE MYSORE FOREST (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Forest Act, 1900.

Whereas it is expedient further to amend the Mysore Forest Act, 1900, (Mysore Act, XI of 1900), for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Forest (Amendment) Act, 1951. **Short title and commencement.**

(2) It shall come into force at once.

2. In clause (4) of section 2 of the Mysore Forest Act, 1900, (hereinafter referred to as the said Act), after the words "cut up" the words "or sawn", shall be inserted. **Amendment of section 2 of Mysore Act, XI of 1900.**

3. In clause (l) of sub-section (2) of section 37 of the said Act, after the words "establishment of saw pits", the words "or saw mills or any other sawing contrivance", shall be inserted. **Amendment of section 37 of Mysore Act, XI of 1900.**

4. In sub-section (3) of section 59 of the said Act, for the words "one hundred rupees" the words "five hundred rupees" shall be substituted. **Amendment of section 59 of Mysore Act, XI of 1900.**

Amendment of section 60 of Mysore Act, XI of 1900.

5. In section 60 of the said Act, for the words "when in any proceedings taken under this Act, or in consequence of anything done under this Act", the words, "when in any proceedings taken, or in consequence of anything done, under this Act or under any other law for the time being in force in the State of Mysore" shall be substituted.

Statement of Objects and Reasons.

The recommendations of the committee appointed to examine the question of the revision of the forest law with a view to prevent the smuggling of timber from the State Forests, require administrative and legislative measures to be taken to implement them. This Bill is intended to implement the legislative portions of their recommendations since they are considered necessary by the Government. It provides for an amplified definition of "timber" so as to include wood which is sawn under this category and vests power in the Government to frame rules in order to regulate the establishment of saw mills or any other sawing contrivance, and enhance the maximum limit of the amount of compensation which may be accepted by a forest officer from Rs. 100 to Rs. 500.

R. CHENNIGARAMIAH.

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BANGALORE, MONDAY, OCTOBER 8, 1951

PART IV

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4220—L.A. (Camp) Mysore, dated 6th October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

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THE MYSORE TRANSFER OF PROPERTY (EXTENSION TO AGRICULTURAL LAND) BILL, 1951.

A Bill for extending the operation of the Transfer of Property Act, 1882, to agricultural land in the State of Mysore.

WHEREAS it is expedient to extend the operation of the Transfer of Property Act, 1882, (Central Act IV of 1882), to agricultural land in the State of Mysore; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Transfer of Property (Extension to Agricultural Land) Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. The terms "property" and "immoveable property", in the Transfer of Property Act, 1882, shall include agricultural land. The terms "property" and "immoveable property" in Central Act IV of 1882 to include agricultural land.

3. The Mysore Transfer of Property (Extension to Agricultural Land) Ordinance, 1951, is hereby repealed : Repeal of Mysore Ordinance III of 1951.

Provided that the repeal shall not affect the operation of section 3 of the said Ordinance and anything done and any action taken under the Transfer of Property Act, 1918 (Mysore Act V of 1918), in so far as it relates to agricultural land, shall be deemed to have been done or taken under the corresponding provision of the Transfer of Property Act, 1882, as extended to agricultural land by section 2 of this Act, as if this Act had come into force on the first day of October 1951.

Statement of Objects and Reasons.

The Central Transfer of Property Act, 1882, is one of the Acts included in the Schedule to the Part B States (Laws) Act, 1951. The Act was extended to the State with effect from the 1st October 1951. Since under the Constitution of India, Parliament has power to make a law for the State only so far as it relates to transfer of property other than agricultural land and the State Legislature has exclusive powers of legislation in respect of "transfer and alienation of agricultural land", the Central Act does not apply to transfer of agricultural land and the Mysore Transfer of Property Act, 1918, continued to apply in such cases. As this position would lead to considerable inconvenience to the public and especially to Banks and other Commercial concerns, and as urgent action was necessary, an Ordinance was promulgated by His Highness the Maharaja on 1st October 1951 extending the operation of the Central Transfer of Property Act, 1882, to agricultural land.

This Bill is intended to repeal and replace the said Ordinance.

K. T. BHASHYAM IYENGAR.

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PART IV

Section 2-A.

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

NOTIFICATION.

No. 4221—L.A. dated (Camp) Mysore, 6th October 1951.

Under Rule 48 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the following Bill together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

G. S. VENKATARAMANA IYER,

Secretary,

Mysore Legislature.

THE CODE OF CIVIL PROCEDURE (MYSORE AMENDMENT) BILL, 1951.

A Bill to amend the Code of Civil Procedure, 1908, in its application to the State of Mysore.

WHEREAS it is expedient to amend the Code of Civil Procedure, 1908, in its application to the State of Mysore, for the purpose hereinafter appearing; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Code of Civil Procedure (Mysore Amendment) Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It shall be deemed to have come into force on the first day of April, 1951.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908, after clause (*p*) the following clause shall be added, namely :— Amendment of section 60 of Central Act V of 1908.

"(*pp*) where the judgment-debtor is a servant of the State Government who has insured his life under the rules in force relating to the Official Branch of the Mysore Government Life Insurance Department,—

(1) in the case of insurance effected prior to the ninth day of May, 1911, the whole of the bonus payable or paid thereunder to such servant, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules; and

(2) in the case of insurance effected on or after the ninth day of May, 1911, and such insurance is compulsory, then the bonus in respect of the compulsory premia payable or paid to such servant, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules."

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Statement of Objects and Reasons.

Under proviso (*p*) to sub-section (1) of section 60 of the Mysore Code of Civil Procedure, 1911, (which now stands repealed), the bonus payable to the servants of the State Government under the compulsory Life Insurance Scheme was exempted from attachment of the courts. Owing to the absence of provision providing for similar exemption in section 60 of the Central Code of Civil Procedure, 1908, which has replaced the Mysore Act and is now in force, the benefit of this exemption would no longer be available to the officials who are judgment-debtors. It is, therefore, considered necessary to effect a local amendment to the Central Act for retaining the said provision of exemption for the benefit of the State employees. Hence this Bill.

K. T. BHASHYAM IYENGAR.

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PART IV

Section 1-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L. D. 1223—Legis. 4-51-54, dated Bangalore, 25th September 1951.

Ordered that the Railway Companies (Emergency Provisions) Act 1951 (Central Act No. LI of 1951) published in the *Gazette of India*, Part II, Section 1, dated the 14th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 14th September 1951.

MINISTRY OF LAW.

THE RAILWAY COMPANIES (EMERGENCY PROVISIONS) ACT, 1951.

(LI OF 1951).

AN ACT

to make provision for the proper management and administration of railway companies in certain special cases.

BE it enacted by Parliament as follows :—

1. Short title, extent and application.—(1) This Act may be called the Railway Companies (Emergency Provisions) Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It applies to every railway company in respect of which a notified order has been issued under section 3.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Companies Act" means the Indian Companies Act, 1913 (VII of 1913);

(*b*) "directors" means the directors appointed under section 3;

(*c*) "notified order" means an order notified in the Official Gazette;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "railway company" means any company registered under the Companies Act or any law repealed thereby for the purpose of making and working or making or working a railway, whether alone or in conjunction with other purposes.

3. Power of Central Government to apply Act to any railway company and to appoint directors thereof.—(1) Where the Central Government is of opinion that a situation has arisen in the affairs of a railway company which—

(*a*) has prejudicially affected the convenience of persons using the railway administered by the railway company, or

(*b*) has caused serious dislocation in any trade or industry using the railway, or

(*c*) has caused serious unemployment amongst a section of the community,

or when, in the opinion of the Central Government, it is necessary in the national interest

the Central Government may, by notified order, apply the provisions of this Act to the railway company and appoint as many persons as it thinks fit to be directors of the railway company for the purpose of taking over its management and administration.

(2) The power to appoint directors under this section includes the power to appoint any individual, firm or company to be the managing agent of the railway company on such terms and conditions as to the Central Government may seem fit.

4. Effect of notified order appointing directors or managing agents.—On the issue of a notified order under section 3,—

(*a*) all persons holding office as directors of the railway company immediately before the issue of the notified order shall be deemed to have vacated their offices as such;

(*b*) any contract of management between the railway company and any managing agent thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated;

(*c*) the managing agent, if any, appointed under this Act shall be deemed to have been duly appointed in pursuance of the Companies Act and the momorandum and articles of association of the railway company, and the provisions of the Companies Act and of the memorandum and articles shall, subject to the other provisions contained in this Act, apply accordingly, but no such managing agent shall be removed from office except with the previous consent of the Central Government;

(*d*) the directors shall take such steps as may be necessary to take into their custody or under their control all the property effects and actionable claims to which the railway company is, or appears to be, entitled, and all the property and effects of the railway company shall be deemed to be in the custody of the directors as from the date of the notified order;

(*e*) the directors shall be for all purposes the directors of the railway campany duly constituted under the Companies Act, and shall alone be entitled to exercise all the powers of the directors of the railway company, whether such powers are derived from the Companies Act or from the memorandum or articles of association of the railway company or from any other source.

5. Powers and duties of directors.—(1) Subject to the control of the Central Government, the directors shall take such steps as may be necessary for the purpose of efficiently managing the business of the railway company and, in particular, the directors shall have power, notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company,—

(*a*) to choose one of their number to be the chairman, and to delegate to him or to any one or more of the directors all or any of their powers;

(*b*) with the previous approval of the Central Government and subject to such conditions as that Government may think fit to impose, to raise funds in such manner and offer such security therefor as they think fit;

(*c*) to carry out such repairs as may be necessary in respect of any machinery, rolling stock, buildings, works or other property in their custody;

(*d*) to do all acts necessary for making, maintaining, altering or repairing and using the railway of the railway company;

(e) to employ such persons as may be necessary for enabling them to efficiently discharge their duties, and define the conditions of service of such employees.

(2) the directors may, with the previous sanction of the Central Government, cancel or vary, either unconditionally or subject to such conditions as they think fit to impose, any contract or agreement entered into between the railway company and any other person at any time before the issue of the notified order under section 3, if such contract or agreement had been entered into in bad faith and is detrimental to the interests of the railway company.

6. Statement of affairs to be made to directors.—(1) On the issue of a notified order under section 3, there shall be made out and submitted to the directors a statement as to the affairs of the railway company, verified by affidavit and containing the following particulars, namely :—

(a) the assets of the railway company, stating separately the cash balance in hand and at the bank, if any :

(b) the debts and liabilities ;

(c) the names, residences and occupations of the creditors, stating separately the amount of secured debts and unsecured debts and, in the case of secured debts, the particulars of the securities, their value and the dates when they were given ;

(d) the debts due to the railway company and the names, residences and occupations of the persons from whom they are due and the amount likely to be realised therefrom ;

(e) such other particulars as may be prescribed.

(2) The statement shall be submitted by one or more of the persons who was or were holding office as a director or as directors of the railway company immediately before the issue of the notified order under section 3 or by the secretary, manager or other chief officer of the railway company who was holding office as such before the issue of the notified order as the directors may require in each case, and the statement shall be submitted within such time as may be so required.

(3) If any person, without any reasonable excuse, knowingly and wilfully makes default in complying with the requirements of this section, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

7. Statements by beneficial owners of shares of railway company.—Any person who has any interest in any share of the railway compnny which stands in the name of another person in the register of shareholders of the railway company shall, within such period as may be specified by the Central Government by notified order, make a declaration in such form as may be prescribed, (which shall be countersigned by the person in whose name the share is registered) to the railway company declaring his interest in the share, and notwithstanding anything contained in any other law or in any contract to the contrary, a person who fails to make a declaration as aforesaid in respect of any share shall be deemed to have no right or title whatsoever in or to that share :

Provided that nothing in this section shall affect the right of any person who has an interest in any such share to establish in a court his right thereto if the person in whose name the share is registered refuses to sign that declaration as required by this section.

8. Power of directors to institute proceedings against part directors, etc., for damages.—(1) The directors may, if they are satisfied that it is necessary in the interests of the railway company or in the public interest so to do, institute in the name of the railway company such proceedings as they think fit for the recovery of damages for any fraud, misfeasance or other misconduct in connection with the management of the affairs of the railway company committed by any person before the issue of the notified order under section 3 or for the recovery of any property of the railway company which has been misapplied or wrongfully retained by any person.

(2) No director shall be personally liable for any costs or expenses incurred in connection with any proceedings instituted by virtue of this section.

9. Penalties.—If any person wilfully destroys or fails to deliver to the directors when required any books of account, registers or any other documents in his custody relating to the business of the railway company or retains any property of the railway company, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

10. Filling up of vacancies among directors.—(1) Casual vacancies occurring in the body of directors, whether caused by death, resignation or otherwise, shall be filled by nomination by the Central Government.

(2) No act of the directors shall be called in question on the ground merely of the existence of any vacancy among the directors or any defect in the appointment of any of them.

11. No right to compensation for termination of contract of managing agent or any other contract.—(1) Notwithstanding anything contained in the Companies Act or in any other law for the time being in force, no managing agent shall be entitled to any compensation for the premature termination under this Act of any contract of management entered into by him with the railway company, and no person shall be entitled to compensation in respect of the cancellation or variation under this Act of any other contract or agreement.

(2) Nothing contained in sub-section (1) shall affect the right of any such managing agent or person to recover from the railway company moneys recoverable otherwise than by way of such compensation.

12. Cancellation of appointment of directors.—(1) If at any time it appears to the Central Government that the purpose of the notified order appointing the directors has been fulfilled or that for any other reason it is unnecessary that the notified order should remain in force, the Central Government may, by notified order, cancel the appointment of directors made under this Act.

(2) On the cancellation of any such appointment as is referred to in sub-section (1), the Central Government may,—

(*a*) direct that all the property, effects and actionable claims of the railway company shall revest in the persons in whom they were vested before the issue of the notified order under section 3 ; or

(*b*) reconstitute by fresh appointment a new body of persons to take charge of the management and administration of the whole affairs of the railway company, whether as directors or managers or in any other capacity :

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Provided that no such direction or fresh appointment shall be made except in pursuance of a resolution passed by the shareholders of the railway company at a meeting called for the purpose by the directors appointed under section 3.

(3) The Central Government may, at any time before the issue of the notified order under sub-section (1), take such action as may be necessary under clause (*b*) of sub-section (2) for the purpose of making any fresh appointments.

13. Application of the Companies Act.—(1) Notwithstanding anything contained in the Companies Act or in the memorandum or articles of association of the railway company, but subject to the other provisions contained in this Act,—

(*a*) it shall not be lawful for the shareholders of the railway company or any other person to nominate or appoint any person to be a director of the railway company ;

(*b*) no resolution passed at any meeting of the shareholders of the railway company shall be given effect to unless approved by the Central Government ;

(*c*) no proceeding for the winding-up of the railway company or for the appointment of a receiver in respect thereof shall lie in any court, unless by or with the sanction of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Act and subject to such exceptions, restrictions and limitations as the Central Government may by notified order specify, the Companies Act shall continue to apply to the railway company in the same manner as it applied thereto before the issue of the notified order under section 3.

14. Effect of Act on other laws.—The provisions of this Act and of any notified order made thereunder shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in the memorandum or articles of association of the railway company or in any other instrument having effect by virtue of any law other than this Act, but save as aforesaid the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being applicable to the railway company.

15. Directors to be public servants.—Every director appointed under section 3 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

16. Deligation of powers.—The Central Government may, by notified order, direct that all or any of the powers exercisable by it under this Act, except the powers given to it under section 3 to apply the provisions of this Act to any railway company or the powers given to it under section 12 or section 18, may be exercised by any State Government, and where any powers are so delegated, they shall be exercised subject to such directions as the Central Government may issue from time to time.

17. Protection of action taken under Act.—(1) No suit, prosecution or other legal proceeding shall lie against any director in respect of anything which is in good faith done or intended to be done in pursuance of this Act,

(2) No suit or other legal proceeding shall lie against the Central Government or any State Government or any director for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

18. Power of Central Government to acquire railway of railway company.—(1) Where under any instrument, having effect by virtue of any law other than this Act or by virtue of an agreement arrived at between the parties, provision is made for the purchase by a person or local authority or the State Government of a railway which is the property of a railway company on payment of the value thereof calculated in the manner and subject to the conditions specified in the instrument, the Central Government shall also have the same right to purchase the railway on the same terms and subject to the same conditions as the person, local authority or the State Government has under the instrument.

(2) If in respect of any railway the Central Government exercises its right of purchase under this section, any person, local authority or State Government, in whom or in which a similar right is vested under the instrument, shall be deemed to have become disentitled to exercise the same.

19. Power to make rules.—(1) the Central Government may, by notified order, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, any rules made under sub-section (1) may provide for—

(*a*) the manner in which or the conditions subject to which the directors or managing agents of a railway company may exercise their powers under this Act ;

(*b*) the additional particulars which a statement under section 6 should contain ;

(*c*) the form in which a declaration under section 7 may be made ;

(*d*) the appointment of a Railway Local Advisory Committee ;

(*e*) the manner in which books of account shall be maintained by the directors and audited ;

(*f*) the submission of specified or periodical returns and reports by the directors to any specified authority in connection with the affairs of the railway company ;

(*g*) for the conduct of business of the directors appointed by notified order and for the recruitment and employment of officers and staff.

20. Repeal of Ordinance II of 1951.—The Railway Companies (Emergency Provisions) Ordinance, 1951 (II of 1951) is hereby repealed :

Provided that the repeal shall not affect—

(*a*) the previous operation of the said Ordinance, or

(*b*) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance, or

(*c*) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, or punishment may be imposed as if this Act had not been passed :

Provided further that, subject to the preceding proviso, anything done or any action taken (including any notified order issued, appointment made or direction given under the said Ordinance) shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

K. V. K. SUNDARAM,

Secretary to the Government of India.

NOTIFICATION. 436

No. L.D. 1224—Legis. 4-51-55, dated Bangalore, 25th September 1951.

Ordered that the Indian Companies (Amendment) Act, 1951 (Central Act No. LII of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 14th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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MINISTRY OF LAW.

Received Assent on 14th September 1951.

THE INDIAN COMPANIES (AMENDMENT) ACT, 1951.

(LII OF 1951).

AN

ACT

further to amend the Indian Companies Act, 1913.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Indian Companies (Amendment) Act, 1951.

2. Insertion of new section 86J in Act VII of 1913.—After section 861 of the Indian Companies Act, 1913 (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

"86J. *Restrictions on appointment, reappointment and number of directors, their remuneration, etc.*—(1) Notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of, or any agreement with, any company,—

(*a*) any amendment in the articles or any variation in the agreement—

(i) which relates to the appointment of a managing director or the appointment or election of a director not liable to retire by rotation ; or

(ii) which purports to increase or has the effect of increasing, whether directly or indirectly, the remuneration of a managing director or any other director, or

(*b*) any increase in the number of directors provided for in the articles, except where the increase is within the maximum limit permissible under the articles as in force on the 21st day of July, 1951, or

(*c*) the appointment of a managing director for the first time after the 21st day of July, 1951, or the reappointment after the said date of a managing director holding office as such on that date or thereafter, if the terms of such reappointment purport to increase or have the effect of increasing, whether directly or indirectly, the remuneration that the managing director was receiving immediately before such reappointment,

shall be void unless approved by the Central Government.

(2) Where a complaint is made to the Central Government by the managing agent, managing director or any other director of a company that as a result of a change in the ownership of the shares held in the company a change in the board of directors is likely to take place which, if allowed, would affect prejudicially the affairs of the company, the Central Government may, if, after such inquiry as it thinks fit to make it is satisfied that it is just and proper so to do,

by order direct that no resolution passed or action taken to effect a change in the board of directors after the date of the complaint shall have effect unless confirmed by the Central Government, and any such order shall have effect notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of the company.

(3) Nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company."

3. Insertion of new section 87AA in Act VII of 1913.—After section 87A of the principal Act, the following section shall be inserted, namely :—

"87AA. *Restrictions on extension of term of office of managing agents.*—In the case of a company managed by a managing agent, any amendment in the articles of, or any variation in any agreement with the company which purports to extend, or has the effect of extending, the term of office of a managing agent holding office as such on the 21st day of July, 1951, shall, notwithstanding anything to the contrary contained in any other provision of this Act or in the articles or agreement, be void unless approved by the Central Government :

Provided that nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company."

4. Amendment of section 87B, Act VII of 1913.—After the proviso to clause (*c*) of section 87B of the principal Act, the following further proviso shall be inserted, namely :—

"Provided further that in the case of a public company managed by a managing agent, a transfer of his office by the managing agent shall be void unless the approval of the Central Government is also obtained."

5. Insertion of new section 87BB in Act VII of 1913.—After section 87B of the principal Act, the following section shall be inserted, namely :—

"87BB. *Restrictions on change in the constitution of a managing agent.*—(1) Notwithstanding anything contained in any other provision of this Act, in the case of a public company managed by a managing agent which is a firm or a company, no change in the constitution of the managing agent shall have effect unless approved by the Central Government, and every such firm or company shall cease to be entitled to act as such managing agent from the date of such change until the approval of the Central Government is obtained.

Explanation I.—Subject to the exceptions contained in *Explanation II*, a change in the constitution of a managing agent takes place in any of the following circumstances, namely :—

(*a*) where the managing agent is a firm, by a change among the partners of the firm, whether caused by the retirement or replacement of any of the partners or by the introduction of a new partner, as the case may be,

(*b*) where the managing agent is a company, by a change among the board of directors, or managers thereof, whether caused by the retirement or replacement of any director or manager or by the introduction of a new director or manager, as

the case may be, or by a change in the registered ownership of shares in the company,

(c) where the managing agent is a private company, by the conversion thereof into a public company.

Explanation II.—No change in the constitution of a managing agent shall be deemed to have taken place in any of the following circumstances, namely :—

(a) where the managing agent is a firm, by a change among the partners of the firm caused by the death or retirement by efflux of time of a partner,

(b) where the managing agent is a company by a change among the board of directors, or managers caused by the death or retirement by efflux of time of any of them or a change caused by the death of any shareholder of the managing agency company.

(2) Notwithstanding anything contained in sub-section (1), where the change in the constitution of the managing agent, which is a public company the shares whereof are for the time being dealt in or quoted on the principal stock exchanges of India, is due to a change in the registered ownership of the shares held therein, nothing contained in that sub-section shall apply to the managing agent unless the Central Government, by notification in the Official Gazette, otherwise directs, and any such notification may provide that with effect from such date as may be specified therein every such managing agent shall cease to be entitled to act as such until the approval of the Central Government is obtained to the change :

Provided that no such notification should be issued unless the Central Government is of opinion that the change is of such a nature that it has affected or is likely to affect prejudicially the affairs of the company which is being managed by the managing agent.

6. Insertion of new section 87CC in Act VII of 1913.—After section 7C of the principal Act, the following section shall be inserted, namely :—

"87CC. *Restrictions on amendment of articles or agreement relating to appointment or remuneration of managing agents, etc.*—(1) Notwithstanding anything to the contrary contained in any other provision of this Act or in the articles of, or agreement with, any company,—

(a) the appointment of a managing agent for the company for the first time after the 21st day of July, 1951, and

(b) in the case of a company managed by a managing agent,—

(i) any amendment in the articles of, or any variation in any agreement with, the company which relates to the apointment of the managing agent or which purports to increase, or has the effect of increasing, whether directly or indirectly, the remuneration of the managing agent, managing director or any other director, or

(ii) the reappointment after the 21st day of July, 1951, of a managing agent holding office as such on that date or the appointment of a new managing agent in place of the managing agent holding office as such on that date, or thereafter,

shall be void unless approved by the Central Government.

(2) Nothing contained in this section shall apply to a private company unless it is a subsidiary company of a public company."

7. Insertion of new sections 153C and 153D in Act VII of 1913.—In Part IV of the principal Act, before section 154, the following heading and sections shall be inserted, namely :—

"*Alternative remedy to winding up in cases of mismanagement or oppression.*

153C. *Power of court to act when company acts in a prejudicial manner or oppresses any part of its members.*—(1) Without prejudice to any other action that may be taken, whether in pursuance of this Act or any other law for the time being in force, any member of a company who complains that the affairs of the company are being conducted—

(*a*) in a manner prejudicial to the interests of the company, or

(*b*) in a manner oppressive to some part of the members (including himself),

may make an application to the court for an order under this section.

(2) An application under sub-section (1) may also be made by the Central Government if it is satisfied that the affairs of the company are being conducted as aforesaid.

(3) No application under sub-section (1) shall be made by any member, unless—

(*a*) in the case of a company having a share capital, the member complaining—

(i) has obtained the consent in writing of not less than one hundred in number of the members of the company or not less than one-tenth in number of the members, whichever is less, or

(ii) holds not less than one-tenth of the issued share capital of the company upon which all calls and other sums due have been paid ; and

(*b*) in the case of a company not having a share capital, the member complaining has obtained the consent in writing of not less than one-fifth in number of the members, and where there are several persons having the same interest in any such application and the condition specified in clause (*a*) or clause (*b*) of this sub-section is satisfied with reference to one or more of such persons, any one or more of them may, with the permission of the court, make the application on behalf of, or for the benefit of, all persons so interested, and the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), shall apply to any such application as it applies to any suit within the meaning of that rule.

(4) If on any such application the court is of opinion—

(*a*) that the company's affairs are being conducted as aforesaid, and

(*b*) that to wind up the company would unfairly and materially prejudice the interests of the company or any part of its members,

but otherwise the facts would justify the making of a winding-up order on the ground that it is just and equitable that the company should be wound up,

the court may, with a view to bringing to an end the matters complained of, make such order in relation thereto as it thinks fit.

(5) Without prejudice to the generality of the powers vested in a court under sub-section (4), any order made under that sub-section may provide for—

(*a*) the regulation of the conduct of the company's affairs in future;

(*b*) the purchase of the shares or interest of any members of the company by other members thereof or by the company;

(*c*) in the case of purchase of shares or interest by the company being a company having a share capital, for the reduction accordingly of the company's capital or otherwise;

(*d*) the termination of any agreement, howsoever arrived at, between the company and its manager, managing agent, managing director or any of its other directors;

(*e*) the termination or revision of any agreement entered into between the company and any person other than any of the persons referred to in clause (*d*), provided that no such agreement shall be terminated or revised except after due notice to the party concerned and in the case of the revision of any such agreement, after obtaining the consent of the party concerned thereto;

(*f*) the setting aside of any transfer, delivery of goods, payment, execution or other act relating to property made or done by or against the company within three months before the date of the application under sub-section (1), which would, if made or done by or against an individual, be deemed in his insolvency to be a fraudulent preference.

(6) Where an order under this section makes any alteration in, or addition to, the memorandum or articles of any company, then notwithstanding anything contained in any other provision of this Act, but subject to the provisions of the order, the company concerned shall not have power without the leave of the court to make any further alteration in, or addition to, the memorandum or articles inconsistent with the provisions of the order, but subject to the foregoing provisions of this sub-section the alterations or additions made by the order shall have the same effect as if duly made by a resolution of the company, and the provisions of this Act shall apply to the memorandum or articles as so altered or added to accordingly.

(7) A certified copy of every order under this section altering or adding to, or giving leave to alter or add to, the memorandum or articles of any company shall, within fifteen days after the making thereof, be delivered by the company to the registrar for registration, and if a company makes default in complying with the provisions of this sub-section, the company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees.

(8) It shall be lawful for the court upon the application of any petitioner or of any respondent to a petition under this section and

upon such terms as to the court appears just and equitable, to make any such interim order as it thinks fit for regulating the conduct of the affairs of the company pending the making of a final order in relation to the application.

(9) Where any manager, managing agent, managing director or any other director or any other person who has not been impleaded as a respondent to any application under this section applies to be made a party thereto, the court shall, if it is satisfied that his presence before the court is necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the application, direct that the name of any such person be added to the application.

(10) In any case in which the court makes an order terminating any agreement between the company and its manager, managing agent or managing director or any of its other directors, as the case may be, the court may, if it appears to it that the manager, managing agent, managing director or other director, as the case may be, has misapplied or retained or become liable or accountable for any money or property of the company or has been guilty of any misfeasance or breach of trust in relation to the company, compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the court thinks just, or to contribute such sums to the assets of the compaay by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the court thinks just, and the provisions of sections 235 and 236 of this Act shall apply as they apply to a company in the course of being wound up.

Explanation.—For the purposes of this section, any material change after the 21st day of July, 1951, in the control of a company, or in the case of a company having a managing agent in the composition of the managing agent which is a firm or in the control of the managing agent which is a company, may be deemed by the court to be a fact which would justify the making of a winding-up order on the ground that it would be just and equitable that the company should be wound up :

Provided that the court is satisfied that by reason of the change the interests of the company or any part of its members are or are likely to be unfairly and materially prejudiced.

153D. *Effect of termination of managing agency agreement, etc.*—(1) Where by virtue of an order made under sub-section (5) of section 153C an agreement between a company and its manager, managing agent, managing director or other director, as the case may be, is terminated or any other agreement is terminated or revised,—

(*a*) the order shall not give rise to any claim on the part of the manager, managing agent, managing director or other director, as the case may be, for damages or for compensation for loss of office or otherwise, whether the claim is made in pursuance of the agreement or otherwise,

(*b*) the order shall not give rise to any claim on the part of any other person for damages or for compensation for the termination or revision of any other agreement, and

(*c*) no manager, managing agent, managing director or other director or any associate of such managing agent shall, without the

leave of the court, be appointed or reappointed or be entitled to act as the manager, managing agent, managing director or director of the company for a period of five years from the date of the order.

(2) If any person acts as the managing agent or manager of a company in contravention of the provisions of this section, such person, and in the case of a company each of its directors, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

(3) No court shall grant leave under this section unless notice of the application has been served on the Central Government and the Central Government has been given an opportunity of being heard in the matter.

Explanation.—In this section, the expression 'associate of a managing agent' means—

(*a*) any firm of which the managing agent is a partner;

(*b*) any partner of the managing agent;

(*c*) any private company in which the managing agent or any partner of the managing agent or any officer of the managing agent is a member, director, managing agent or manager;

(*d*) in the case of a managing agent which is a company, any subsidiary company of the managing agent and any director, managing agent or manager of the managing agent or any subsidiary company of the managing agent;

(*e*) where the managing agent is a private company, any director or any member thereof;

(*f*) any company of which the managing agent, whether alone or together with any partner of the managing agent, and where the managing agent is a company, any director of the managing agent, is entitled to exercise, or control the exercise of, one quarter or more of the voting power at any general meeting".

8. Insertion of new section 289B in Act VII of 1913.—After section 289A of the principal Act, the following section shall be inserted namely :—

"289B. *Power of Central Government to appoint advisory commission and to make rules in respect of certain matters.*—(1) For the purpose of advising it in relation to any matter arising out of section 86J, section 87AA, clause (*c*) of section 87B, section 87BB or section 87CC, the Central Government may constitute a commission consisting of not more than three persons with suitable qualifications and appoint one of them to be the chairman thereof.

(2) It shall be the duty of the commission to inquire into and advise the Central Government on all applications for approval made to the Central Government under any of the sections referred to in sub-section (1) and on all other matters which may be referred to it by the Central Government under any of the said sections.

(3) Every application for approval made to the Central Government under any of the sections referred to in sub-section (1) shall be in such form as may be prescribed.

(4) Before any application for approval is made to the Central Government, there shall be issued by or on behalf of the company a

general notice to the members indicating the nature of the approval saught, and such notice shall be published once in the principal Indian language of the State in which the registered office of the company is situate in a newspaper circulating in that State, and once in English in a newspaper similarly circulating, and copies of the publication duly certified by the company shall be attached to the application for approval :

Provided that nothing in this sub-section shall apply to a private company which is not the managing agent of a public company.

(5) For the purpose of making any inquiry under this section the commission may --

(*a*) require the production before it of any books or other documents in the possession, custody or control of the company relating to any matter under inquiry ;

(*b*) call for any further information or explanation if the commission is of opinion that such information or explanation is necessary in order that the books or other documents produced before it may afford full particulars of the matter to which they purport to relate ;

(*c*) with such assistants as it thinks necessary, inspect any books or other documents so produced and make copies thereof or take extracts therefrom ;

(*d*) require any manager, managing agent, managing director or any other director or other officer of the company or any share-holder or any other person who, in the opinion of the commission, is likely to furnish information with respect to the affairs of the company relating to any matter under inquiry, to appear before it, and examine such person on oath or require him to furnish such information as may be required and administer an oath accordingly to the person for the purpose.

(6) If any person refuses or neglects to produce any book or other document in his possession or custody which he is required to produce under this section or to answer any question put to him relating to any matter under inquiry, he shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

(7) No suit or other legal proceeding shall lie against the Central Government, the commission or any member of the commission in respect of anything which is in good faith done or intended to be done in pursuance of this section or the sections referred to in sub-section (1) or of any rules or orders made thereunder."

9. Repeal of Ordinance III of 1951.—(1) The Indian Companies (Amendment) Ordinance, 1951 (III of 1951) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,
Secretary to the Government of India.

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at the Government Press, Bangalore.

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. Fl. 3903—G. F. 102-51-2, dated Bangalore, 5th October 1951.

Ordered that the Notification No. F. 1 (26)—FI—50, dated the 5th September 1951, of the Ministry of Finance under Section 24 of the Indian Coinage Act, 1906 (III of 1906), published in the *Gazette of India*, Part II, Section 3, dated the 8th September 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

M. SHAMANNA,

Secretary to Government,

Finance Department.

GOVERNMENT OF INDIA.

MINISTRY OF FINANCE.

DEPARTMENT OF ECONOMIC AFFAIRS.

New Delhi, the 5th September 1951.

NOTIFICATION.

No. F. 1(26)-F.I.—50. In exercise of the powers conferred by section 24, of the Indian Coinage Act, 1906 (III of 1906), the Central Government hereby directs that the coins which were in circulation as legal tender in part B States on the 1st day of April 1951, shall continue until the 31st March, 1953 to be legal tender in those States to the like extent and subject to the same conditions as immediately before the 1st day of April, 1951.

S. K. SEN,

Deputy Secretary to the Government of India.

NOTIFICATION.

No. L.S. 2727—L.W. 168-51-5, dated Bangalore, 11th October 1951.

Whereas an Industrial Dispute exists between the Management of the Mysore Spinning and Manufacturing Company Limited, Bangalore and the workmen employed in the said concern, in respect of the matter specified in the schedule below;

And whereas in the opinion of His Highness the Maharaja of Mysore it is necessary to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), His Highness the Maharaja of Mysore hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal constituted in Government Notification No. L.S. 1075—L.W. 68-51-2, dated the 15th June 1951.

SCHEDULE.

1. Whether the dismissal of Sri Ramalu, President of the Mysore Mills Labour Association amounts to victimisation.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

NOTIFICATION.

No. A.F. 6322—I. & S. 1-51-2, dated Bangalore, 6th October 1951.

Notification No. S. C. (A)-4 (53) dated 21st August 1951, of the Government of India, Ministry of Commerce and Industry, issuing further amendments to the Iron and Steel (Control of Production and Distribution) Order, 1941, of the Central Government the operation of which was extended to Mysore State by Notification No. 1 (1)-4 (62) dated the 12th September 1950, issued by the Government of India, Ministry of Industry and Supply is hereby republished for the information of Registered Dealers in iron and steel and the general public.

By Order of His Highness the Maharaja,

N. PUTTARANGASWAMY,

Secretary to Government,
Food and Agriculture Departments.

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GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE AND INDUSTRY.

NOTIFICATION.

New Delhi, the 21*st August* 1951.

No. S.C. (A)—4 (53)—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendments shall be made in the Iron and Steel (Control of Production and Distribution) Order, 1941, namely :—

In clause 11B of the said Order—

1. To sub-clause (1), the following shall be added, namely :—

"The Controller may also, by a general or special order in writing, require any person or class of persons enumerated above to pay such amount on account of allowances for contribution to any Equalisation Fund, within such period and in such manner as the Controller may direct in this behalf".

2. Sub-clause (2A) shall be omitted and the following shall be inserted after sub-clause (2), namely :—

"Provided that the Controller may direct that the maximum prices fixed under sub-clauses (1) or (2) shall not apply to any specified stocks of iron or steel and may, in respect of such stocks, specify the maximum prices at which such iron or steel may be sold and communicate the same in writing to the persons concerned and any person or persons holding such stocks of iron and steel for which prices have been so specified shall, at the time of the sale of such iron or steel or part thereof, mention the number and date of the order of the Controller in every Cash Memo, Bill or other document evidencing the sale or disposal out of the respective stocks to which the order of the Controller applies".

3. In sub-clause (3) for sub-clause (1), (2), or (2A) "the words, figures and brackets", "sub-clause (1) or (2)" shall be substituted.

N. R. REDDY,
Under Secretary to Government of India.

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The Mysore Gazette

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(EXTRAORDINARY)

BANGALORE, MONDAY, NOVEMBER 12, 1951

PART IV

Section 1-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

NOTIFICATION.

No. E.B. 6024—Eln. 107-51-1, dated Bangalore, 12th November 1951.

Ordered that the accompanying Notification No. 62/12/51—Elec. II (3), dated the 9th November 1951, issued by the Election Commission, India, appointing Assistant Returning Officers for the Parliamentary Constituencies in Mysore, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

ELECTION COMMISSION, INDIA.

NOTIFICATION.

New Delhi-1, the 9th November 1951.

No. 62/12/51—Elec. II (3).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission hereby appoints each of the officers specified in column 2 of the table below to assist the Returning Officer for the Parliamentary Constituency in the State of Mysore specified in the corresponding entry in column 1 of that table in the performance of his functions :—

TABLE

Name of Constituency 1	*Assistant Returning Officer* 2
Kolar ...	Personal Assistant to the Deputy Commissioner, Kolar District, Kolar.
	Special First Class Magistrate, Kolar Gold Fields.
Tumkur ...	Personal Assistant to the Deputy Commissioner, Tumkur District, Tumkur.
Bangalore North...	Personal Assistant to the Commissioner, City of Bangalore Municipal Corporation, Bangalore.
Bangalore South...	Personal Assistant to the Deputy Commissioner, Bangalore District, Bangalore.
Mandya ...	Personal Assistant to the Deputy Commissioner, Mandya District, Mandya.
Mysore ...	Personal Assistant to the Deputy Commissioner, Mysore District, Mysore.
Hassan-Chikmagalur.	Personal Assistant to the Deputy Commissioner, Hassan District, Hassan.
Shimoga ...	Personal Assistant to the Deputy Commissioner, Shimoga District, Shimoga.
Chitaldrug ...	Personal Assistant to the Deputy Commissioner, Chitaldrug District, Chitaldrug.

P. S. SUBRAMANIAN,
Secretary.

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BANGALORE, TUESDAY, NOVEMBER 13, 1951

PART IV

Section I-B

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1537—Legis 4-51-71, dated Bangalore, 13th November 1951.

Ordered that the Representation of the People (Second Amendment) Act, 1951, (Central Act No. LXVII of 1951), published in the *Gazette of India*, Part II, Section 1—1, dated the 1st November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 31st October 1951.

THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) ACT, 1951.

(LXVII OF 1951.)

AN

ACT

further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

BE it enacted by Parliament as follows:—

PART I.—PRELIMINARY.

1. Short title.—This Act may be called the Representation of the People (Second Amendment) Act, 1951.

PART II

AMENDMENT OF ACT XLIII OF 1950.

2. Amendment of section 2, Act XLIII of 1950.—In section 2 of the Representation of the People Act, 1950 (hereinafter in this Part referred to as the principal Act), after clause (f) the following clause shall be inserted, namely :—

"(ff) 'Part B tribal areas' means the tribal areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution;".

3. Amendment of section 3, Act XLIII of 1950.—In sub-section (2) of section 3 of the principal Act.—

(a) after the words "to each State" the words "and the areas" shall be inserted;

(b) after the words "opposite to that State", the words "and those areas respectively" shall be added.

4. Amendment of section 4, Act XLIII of 1950.—In sub-section (1) of section 4 of the principal Act, for the words "and to the Andaman and Nicobar Islands" the words " , to the Andaman and Nicobar Islands and to the Part B tribal areas" shall be substituted.

5. Amendment of the First Schedule, Act XLIII of 1950.—In the First Schedule to the principal Act—

(a) in the heading to column 1, after the words "Name of State" the words "or areas' shall be inserted;

(b) in columns 1 and 2, after the entries under the sub-heading "Part C States" the following sub-heading and entries shall be inserted namely :—

"1	2
Areas	
12. Part B tribal areas	1";

(c) in column 2, for the figures "496" the figures "497" shall be substituted.

6. Amendment of the Sixth Schedule, Act XLIII of 1950.—In the Sixth Schedule to the principal Act, under the sub-heading "Himachal Pradesh"—

(a) the entry "8. Besi" shall be omitted ;

(b) entries 9 to 15 shall be renumbered as entries 8 to 14 respectively ;

(c) after entry 14 as so renumbered, the following entry shall be inserted namely :—

"15. Hesi."

7. Amendment of the Seventh Schedule, Act XLIII of 1950.—In the Seventh Schedule to the principal Act, for the entries 1 to 10 under the sub-head "Vindhya Pradesh", the following entries shall be substituted, namely :—

"1. Agariya	8. Kamar
2. Baiga	9. Khairwar
3. Bedia	10. Majhi
4. Bhil	11. Mawasi
5. Bhumiya	12. Panika
6. Biar (Biyar)	13. Pao
7. Gond	14. Sonr."

PART III

AMENDMENT OF ACT XLIII OF 1951.

8. Amendment of section 4, Act XLIII of 1951.—In section 4 of the Representation of the People Act, 1951 (hereinafter in this Part referred to as the principal Act), for the words "or to the Andaman and Nicobar Islands" the words, "to the Andaman and Nicobar Islands or to the Part B tribal areas" shall be substituted.

9. Amendment of section 39, Act XLIII of 1951.—In sub section (2) of section 39 of the principal Act, after the words and figures "under section 12 or section 18" the words "or under any of the provisions of this Part" shall be inserted.

10. Amendment of section 58, Act XLIII of 1951.—In section 58 of the principal Act—

(a) to sub-section (1), the following proviso shall be added, namely :—

Provided that where a polling station has more than one polling booth and any such ballot box as aforesaid was used at one of such polling

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booths, the election to which such ballot box relates shall be void only in respect of the polling at the polling booth at which such box was used and no further.';

(b) in sub-section (2)—

(i) after the words "at the place fixed for the poll" the words "or at any polling booth" shall be inserted;

(ii) after the words "or in such place fixed for the poll" the words "or in such polling booth, as the case may be" shall be inserted;

(c) in sub-section (3), after the words "place fixed for the poll" the words "or in such polling booth," shall be inserted.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

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BANGALORE, TUESDAY, NOVEMBER 13, 1951

PART IV

NOTIFICATION.

No. E.B. 6246—Eln. 104-51-3, dated Bangalore, 13th November 1951.

Ordered that Notification No. F. 154-51-C. I, dated the 10th November 1951 of the Ministry of Law under Section 15 of the Representation of the People Act, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, dated the 10th November 1951.

No. F. 154—51-C.I. In exercise of the powers conferred by section 15 of the Representation of the People Act, 1951, (XLIII of 1951) the President is pleased to call upon the Parliamentary constituencies in the State of Mysore to elect members, in accordance with the provisions of the said Act and of the Rules and Orders made thereunder, before the 15th February 1952, which is the date appointed in that behalf by the Election Commission.

K. V. K. SUNDARAM,
Secretary.

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PART IV

NOTIFICATION.

No. E.B. 6247—Eln. 104-51-4, dated Bangalore, 13th November 1951.

Ordered that Notification No. F. 154-51-C. II, dated the 10th November 1951 of the Ministry of Law under Clauses (*a*), (*b*) and (*c*) of Section 30 of the Representation of the People Act, 1951, published in the *Gazette of India*, Part II, Section 3, dated the 10th November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Depratment.

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GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, dated the 10th November 1951.

No. F. 154—51-C-II. In exercise of the powers conferred by clauses (*a*), (*b*), and (*c*) of section 30 of the Representation of the People Act, 1951, (XLIII of 1951), the Central Government hereby appoints with respect to the elections to be held in the Parliamentary constituencies in the State of Mysore in pursuance of Notification No. F. 154—51-C-I, dated the 10th November, 1951,—

(*a*) the 21st November 1951, as the last date for making nominations,

(*b*) the 23rd November 1951, as the date for the scrutiny of nominations, and

(*c*) the 26th November 1951, as the last date for the withdrawal of candidatures.

K. V. K. SUNDARAM,

Secretary.

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PART IV.

Section—I-B.

CENTRAL ACTS AND ORDINANCES AND ORDERS UNDER THE CONSTITUTION BY THE PRESIDENT.

NOTIFICATION.

No. L.D. 1538—Legis. 4-51.72, dated Bangalore, 13th November 1951.

Ordered that the Parliament Prevention of Disqualification Act 1951 (Central Act No. LXVIII of 1951), published in the *Gazette of India*, Part II, Section 1, dated the 1st November 1951, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 31st October 1951.

MINISTRY OF LAW.

THE PARLIAMENT PREVENTION OF DISQUALIFICATION ACT, 1951 (LXVIII OF 1951).

AN

ACT

to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of Parliament.

BE it enacted by Parliament as follows :—

1. **Short title and commencement.**—(*1*) This Act may be called the Parliament

(2) It shall be deemed to have come into force on the 26th day of January 1950.

2. Prevention of disqualification for membership of Parliament in certain cases.—It is hereby declared that the following offices of profit under Government shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being, members of Parliament :—

(a) the offices of Chairman and members of the Fiscal Commission which was appointed by the Government of India in the month of April, 1949 and which ceased to function in the month of June, 1950 ;

(b) the offices of Chairman and member of the Film Inquiry Committee appointed by the Government of India in the month of August, 1949 ;

(c) the office of Chairman of the Working Party for the Coal Industry appointed by the Government of India in the month of March, 1950 ;

(d) the offices of members of the Railway Local Advisory Committees appointed by the Government of India for the year ending on the 31st day of March, 1950 or for the year ending on the 31st day of March, 1951 or for the year ending on the 31st day of March, 1952 ;

(e) the office of Chairman or member of any other Committee appointed by the Government of India or the Government of any State, held for any period not extending beyond the 31st day of March, 1952 ;

(f) the office of the Assistant Government Pleader held under the Government of Assam for any period not extending beyond the 8th day of November, 1950 ;

(g) the office of member of the Enquiry Commission appointed by the Government of Assam or by the Government of West Bengal in pursuance of the Agreement made between India and Pakistan on the 8th April, 1950, for any period not extending beyond the 31st day of December, 1950; and

(h) the office of member of the Bombay Revenue Tribunal for any period not extending beyond the 1st day of April, 1951.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

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PART IV

Section I-C

RULES, ORDERS AND NOTIFICATIONS UNDER CENTRAL ACTS AND ORDINANCES.

ELECTION COMMISSION, INDIA.

New Delhi—1, *dated the 9th November* 1951.

NOTIFICATION.

No. 62—12—51-Elec. II (4).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission hereby appoints each of the officers specified in column 2 of the table below to assist the Returning Officer for the Assembly constituency in the State of Mysore specified in the corresponding entry in column 1 of that table in the performance of his functions:—

TABLE.

Name of Constituency (1)	*Assistant Returning Officer* (2)
Malur ...	Amildar, Malur Taluk, Malur
Bangarpet ...	Amildar, Bangarpet Taluk, Bangarpet
Kolar Gold Fields ...	Do
	Amildar, Mulbagal Taluk, Mulbagal
	Revenue Officer, Kolar Gold Fields
	Sanitary Board, Kolar Gold Fields
Mulbagal—Srinivasapur	Amildar, Mulbagal Taluk, Mulbagal
	Amildar, Srinivasapur Taluk, Srinivasapur
Bagepalli—Gudibanda ...	Amildar, Bagepalli Taluk, Bagepalli
	Amildar, Gudibanda Taluk, Gudibanda
Chintamani ...	Amildar, Chintamani Taluk, Chintamani
	Amildar, Sidlaghatta Taluk, Sidlaghatta
	Amildar, Bagepalli Taluk, Bagepalli

Name of Constituency (1)	*Assistant Returning Officer* (2)
Kolar ...	Amildar, Kolar Taluk, Kolar
Sidlaghatta—Chikballapur	Amildar, Sidlaghatta Taluk, Sidlaghatta
	Amildar, Chikballapur Taluk, Chikballapur
	Amildar, Goribidanur Taluk, Goribidanur
Goribidanur ...	Amildar, Goribidanur Taluk, Goribidanur
Pavagada ...	Amildar, Pavagada Taluk, Pavagada
	Amildar, Madhugiri Taluk, Madhugiri
Koratagere—Madhugiri...	Amildar, Madhugiri Taluk, Madhugiri
	Amildar, Koratagere Taluk, Koratagere
	Amildar, Sira Taluk, Sira
Huliyurdurga ...	Amildar, Kunigal Taluk, Kunigal
Kunigal ...	Amildar, Kunigal Taluk, Kunigal
	Amildar, Tumkur Taluk, Tumkur
Tumkur ...	Do
Kora ...	Amildar, Sira Taluk, Sira
	Amildar, Gubbi Taluk, Gubbi
	Amildar, Tumkur Taluk, Tumkur
Sira ...	Amildar, Sira Taluk, Sira
Gubbi ...	Amildar, Gubbi Taluk, Gubbi
Turuvekere ...	Amildar, Turuvekere Taluk, Turuvekere
Tiptur ...	Amildar, Tiptur Taluk, Tiptur
Chicknayakanahalli ...	Amildar, Chicknayakanahalli Taluk, Chicknayakanahalli.
Malleswaram ...	Personal Assistant to the Commissioner, Municipal Corporation, Bangalore City.
Gandhinagar ...	Do
Chamarajpet ...	Do
Basavangudi ...	Do
Cubbonpet ...	Do
Ulsoor ...	Do
Saint John's Hill ...	Do
Bangalore North ...	Amildar, Bangalore North Taluk, Bangalore
	Amildar, Devanahalli Taluk, Devanahalli
Dodballapur ...	Amildar, Dodballapur Taluk, Dodballapur
Nelamangala ...	Do
	Amildar, Nelamangala Taluk, Nelamangala
	Amildar, Magadi Taluk, Magadi
Magadi ...	Do
Bangalore South ...	Amildar, Bangalore South Taluk, Bangalore
	Amildar, Anekal Taluk, Anekal
	Amildar, Hoskote Taluk, Hoskote
Hoskote—Anekal ...	Do
	Amildar, Anekal Taluk, Anekal
Ramanagaram ...	Amildar, Ramanagaram Taluk, Ramanagaram
Kankanhalli ...	Amildar, Kankanhalli Taluk, Kankanhalli
Virupakshapura ...	Do
	Amildar, Channapatna Taluk, Channapatna
Channapatna ...	Do.
Malavalli ...	Amildar, Malavalli Taluk, Malavalli
	Amildar, Maddur Taluk, Maddur
Maddur ...	Do
Mandya ...	Amildar, Mandya Taluk, Mandya
Srirangapatna ...	Do
	Amildar, Srirangapatna Taluk, Srirangapatna

Name of Constituency (1)	*Assistant Returning Officer* (2)
Pandavapura ...	Amildar, Srirangapatna Taluk, Srirangapatna
	Amildar, Pandavapura Taluk, Pandavapura
Nagamangala ...	Amildar, Nagamangala Taluk
Krishnarajpet ...	Amildar, Krishnarajpet Taluk, Krishnarajpet
Mysore City North ...	Personal Assistant to the Commissioner, City Municipal Council, Mysore City.
Mysore City South ...	Do
Mysore Taluk ...	Amildar, Mysore Taluk, Mysore
Nanjangud ...	Amildar, Nanjangud Taluk, Nanjangud
T.-Narsipur ...	Amildar, T.-Narsipur Taluk, T.-Narsipur
Yelandur ...	Amildar, Yelandur Taluk, Yelandur
	Amildar, T.-Narsipur Taluk, T.-Narsipur
	Amildar, Chamarajnagar Taluk, Chamarajnagar
Chamarajnagar ...	Amildar, Chamarajnagar Taluk, Chamarajnagar
Hunsur ...	Amildar, Hunsur Taluk, Hunsur
	Amildar, Mysore Taluk, Mysore
	Amildar, Krishnarajnagar Taluk
Gundlupet—Heggadadevanakote.	Amildar, Gundlupet Taluk
	Amildar, Heggadadevanakote Taluk
Krishnarajanagar ...	Amildar, Krishnarajnagar Taluk.
Periyapatna ...	Amildar, Periyapatna Taluk
	Amildar, Krishnarajnagar Taluk
Hole-Narasipur ...	Amildar, Hole-Narasipur Taluk
	Amildar, Arkalgud Taluk
Arkalgud ...	Amildar, Arkalgud Taluk
	Amildar, Hole-Narasipur Taluk
Channarayapatna ...	Amildar, Channarayapatna Taluk
Javagal ...	Do
	Amildar, Arsikere Taluk
Arsikere ...	Amildar, Arsikere Taluk
Hassan ...	Amildar, Hassan Taluk
Belur ..	Amildar, Hassan Taluk
	Amildar, Belur Taluk
	Amildar, Manjarabad Taluk
	Amildar, Alur Taluk
Chikmagalur—Mudigere	Amildar, Chikmagalur Taluk
	Amildar, Mudigere Taluk
	Amildar, Kadur Taluk
Kadur ...	Amildar, Kadur Taluk
Bhadravati ...	Amildar, Bhadravati Taluk
	Amildar, Narasimharajapura Taluk
Thirthahalli—Koppa ...	Amildar, Thirthahalli Taluk
	Amildar, Koppa Taluk
	Amildar, Sringeri Taluk
Tarikere ...	Amildar, Tarikere Taluk
	Amildar, Channagiri Taluk
Shimoga ...	Amildar, Shimoga Taluk
Channagiri ...	Amildar, Channagiri Taluk
Honnali ...	Amildar, Honnali Taluk

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Name of Constituency	*Assistant Returning Officer*
(1)	(2)
Sorab—Shikaripur ...	Amildar, Sorab Taluk
	Amildar, Shikaripur Taluk
	Amildar, Sagar Taluk
	Amildar, Hosanagar Taluk
Sagar—Hosanagar ...	Amildar, Sagar Taluk
	Amildar, Hosanagar Taluk
	Amildar, Thirthahalli Taluk
Harihar ...	Amildar, Harihar Taluk
	Amildar, Davangere Taluk
Davangere ...	Amildar, Davangere Taluk
Hosadurga ...	Amildar, Hosadurga Taluk
Molakalmuru ...	Amildar, Challakere Taluk
	Amildar, Molakalmuru Taluk
Hiriyur ...	Amildar, Hiriyur Taluk
	Amildar, Challakere Taluk
Chitaldrug ...	Amildar, Chitaldrug Taluk
	Amildar, Hiriyur Taluk
Holalkere ...	Amildar, Holalkere Taluk
	Amildar, Chitaldrug Taluk
	Amildar, Davangere Taluk
Jagalur ...	Amildar, Jagalur Taluk
	Amildar, Chitaldrug Taluk

P. S. SUBRAMANIAN,
Secretary.

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BANGALORE, FRIDAY, NOVEMBER 16, 1951

NOTIFICATION.

No. L.D. 1553—L.A. 52-51-1, dated Bangalore, 16th November 1951.

In exercise of the powers conferred by clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby prorogue the State Legislative Assembly.

JAYA CHAMARAJA WADIYAR,

Maharaja of Mysore.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and Secretary to Government, Law Department.

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